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**ANNALS OF  
YARMOUTH AND BARRINGTON  
(Nova Scotia)  
IN THE REVOLUTIONARY WAR**

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BY  
EDMUND DUVAL POOLE.

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## ERRATA.

Page 69, 2d line from bottom, for "Freemason" read "Freeman."  
Page 90, 20th line from top, for "Greenwood" read "Rider."  
Page 94, 18th line from bottom, for "came" read "same."

# Yarm

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ANNALS  
OF  
Yarmouth · and · Barrington  
IN THE REVOLUTIONARY WAR.

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INTRODUCTION.

A search through the various histories of the County of Yarmouth and the Province of Nova Scotia fails to reveal anything of a conclusive nature relative to the condition of affairs in Yarmouth during the period of the Revolutionary War, and discovers nothing but conjecture as to the feelings and sympathies of the inhabitants there in the contest between the Colonies and the Crown. The writer has recently discovered, in the Archives of Massachusetts, a voluminous mass of manuscripts relating to the subject, and he proposes to reproduce a large part of them in these columns. They chiefly consist of letters, petitions, depositions, court records, &c., and in many instances are in the original handwriting of several of the early settlers of Yarmouth, Barrington, and other settlements on the southern shore of Nova Scotia, in which their sentiments and affairs are quite explicitly described.

No student of the history of Nova Scotia at this time can carefully and without prejudice examine the records relating to the subject and fail to arrive at the conclusion that the fate of the whole Province hung upon a very slender thread, and that its future was decided quite as much by chance as by anything else. It is very evident that a large portion of the inhabitants were greatly disaffected, and were in strong sympathy with the revolted Colonies, whence a greater part of them had but a few years previously removed.

In order that the reader may more intelligently understand the historical documents which are to compose this series, it may not be out of place to insert here a few extracts from contemporaneous writings indicative of the state of affairs and sentiments then existing in other parts of the Province.

In a letter written by an American officer, dated "In the Camp at Cambridge, May 18, 1775," is the following:—

"We hear from Halifax that the people have at last shown they have spirit. It seems that agents for procuring forage for the expected regiment of Dragoons had taken, without the consent of the owner, and were shipping for Boston, a great quantity of hay, on which the people set fire to and wholly destroyed it. And when that work was finished they attempted the like by the King's Magazines, which they several times fired, but they were extinguished by the ships-of-war lying there, who made a brisk fire on the people, and prevented them from affecting their design."—*See American Archives, 4th Series, ii., p. 638.*

COL. THOMPSON'S PROPOSAL FOR DESTROYING NOVA SCOTIA.

"For the expedition purposed: One thousand men, including officers; four armed Vessels and eight Transports; the men to be raised at the Eastward. The Fleet to be made up at Machias, and then proceed to Windsor, capture the Tories, make all the proselytes we can; and then proceed to Halifax. If possible destroy the King's Dock-yard and Town, if thought proper.

"It may be undertaken for five thousand Pounds, lawful money, and all that can be procured from the Tories, or ten thousand, and the one-half of what is taken from them. At Windsor, we understand, there is abundance of goods, which is the next capital town to Halifax. We are lately informed there is not to exceed two hundred British troops in Halifax."—*Amer. Archives, 4th Series, iii., p. 90.*

GEN. WASHINGTON'S OPINION ON THE PROPOSED INVASION OF NOVA SCOTIA.

CAMP AT CAMBRIDGE, Aug. 11, 1775.

Gentlemen: I have considered the papers you left with me yesterday. As to the expedition proposed against Nova Scotia by the inhabitants of Machias, I cannot but applaud their spirit and zeal, but after considering the reasons offered for it, several objections occur which seem to me unanswerable. I apprehend such an enterprise to be inconsistent with the general principle upon which the Colonies have proceeded. That Province has not acceded, it is true, to the measures of Congress, but it has not commenced hostilities against them, nor are any to be apprehended. To attack it, therefore, is a measure of conquest rather than defence, and may be apprehended with very dangerous consequences. It might perhaps be easy, with the force proposed, to make an incursion into the Province, and overawe those of the inhabitants who are inimical to our cause, and for a short time prevent them from supplying the enemy with provisions; but to produce any lasting effects the same force must continue.

As to the furnishing vessels of force, you, gentlemen, will anticipate me in pointing out our weakness and the enemy's strength at sea. There would be great danger that, with the best preparations we could make, they would fall an easy prey, either to the men-of-war on that station, or to some which would be detached from Boston. I have been thus particular, to satisfy any gentleman of the Court who should incline to adopt the measure. I could offer many other suggestions against it, some of which, I doubt not, will suggest themselves to the honorable Board. But it is unnecessary to enumerate them, when our situation, as to ammunition, absolutely forbids our sending a single ounce of it out of the camp at present.

I am, Gentlemen, &c.,

Go. WASHINGTON.

*Amer. Archives, 4th Series, Vol. iv., p. 90.*

PETITION OF THE INHABITANTS OF NOVA SCOTIA TO THE KING.

WHITEHALL, September 1, 1775.

"The House of Representatives of the Province of Nova Scotia, in North America, having unanimously agreed to a loyal and dutiful address, petition and memorial to the King's most excellent Majesty, the Lords spiritual and temporal, and the Commons of Great Britain, in Parliament assembled, containing declarations of their obedience and submission to the

authority of the Parliament of Great Britain, as the supreme legislature of that Province, and all the British Dominions, and of their readiness, as an indispensable duty, to submit to the payment of such taxes, to be raised upon a permanent plan, and at the disposal of Parliament as shall be their due proportion of the expenses of the Empire; and William Nesbitt, Esq., Speaker of the said House of Representatives, having transmitted a transcript of the said loyal and dutiful address, petition and memorial, to the Earl of Dartmouth, one of His Majesty's principal Secretaries of State, it was this day presented to His Majesty, and most graciously received."—*Amer. Archives, 4th Series iii., p. 691.*

EXTRACTS FROM AN INTERCEPTED LETTER, DATED AT HALIFAX, SEPT. 23, 1775.

"The address which was some time past sent from this place, and presented to His Majesty, has given rise to all the disturbance in this Province. It was declared to be an address from the inhabitants of the Province of Halifax in Nova Scotia, when, indeed, it was only managed by about one thousandth part of them, when most of the members of the House of Representatives were up in the country superintending their estates; and when they came to town and found in what manner the liberties of the House of Representatives had been invaded in their absence, they, together with almost all the inhabitants, declared themselves friends to the cause in which the whole Continent of America are engaged, and refused being any longer subservient to the mandates of government; therefore no duties have been paid here since the latter end of August last, of which the Comptroller of the Customs is gone home to give an account. Yesterday a schooner arrived with two tons of tea, from Bristol; the liberty boys immediately committed it to the sea. They have strong assurances of assistance from the Provincial Army, therefore it is to be feared that His Majesty's yard, stores and ammunition in this Province will be destroyed. The Tartar Frigate is here to protect them; and the master shipwrights, caulkers, joiners, house-carpenters, smiths, bricklayers and labourers, form a militia, and mount guard every night, for the protection of the yard, &c. The inhabitants begin to grow very warm, therefore suppose it will not be very long before they find the militia some military employment. Our Governor has wrote to Boston for assistance, but has received for answer, that they have more work out there than they have hands to complete, therefore no help can be expected from thence. We have been continually supplying the Army at Boston with fresh provisions, hay, corn, &c.; but the case is so much altered that nothing is suffered to be sent them from hence."—*Amer. Archives, 4th Series, iii., p. 780.*

AMERICAN SPIES SENT INTO NOVA SCOTIA.

"By His Excellency George Washington, Esquire, Commander-in-Chief of the Army of the United States,

"To Aaron Willard, Esq.;

"The honourable Continental Congress having lately passed a resolve containing the following words, viz.: 'That two persons be sent, at the expense of these Colonies, to Nova Scotia, to inquire into the state of that Colony, the disposition of the inhabitants towards the American Cause, and the condition of the Fortifications, Dockyards, the quantity of Artillery and Warlike Stores, and the number of Soldiers, Sailors, and Ships-of-War there, and transmit the earliest intelligence to General Washington,' I do hereby constitute and appoint you, the said Aaron Willard, Esq., to be one of the persons to undertake this business; and as the season is late, and this work of great importance, I entreat and request that you will use the utmost dispatch, attention, and fidelity in the execution of it. The necessity of acting with a proper degree of caution and secrecy is too apparent to need recommendation. You will keep an account of your expenses, and, upon your return, will be rewarded in a suitable manner for the fatigue of your journey and the services you render your Country by conducting and discharging this business with expedition and fidelity.

"Given under my hand, this twenty-fourth day of November, 1775.

"GEORGE WASHINGTON."

[The same to Moses Child, Esq.]

*American Archives, 4th ser., iii., p. 1665; also "Writings of Washington," by Jared Sparks, Vol. iii., p. 169-70; also same, by Worthington Chauncy Ford, Vol. iii., p. 233.*

## REPORT OF AARON WILLARD AND MOSES CHILD.

"We the subscribers, being appointed by his Excellency, General Washington, agreeable to an order of the Continental Congress, to repair to the Province of Nova Scotia," \* \* \* \* "beg leave to report as follows, that agreeable to the above order we did repair to a place called Campo-Bello, about twenty or thirty miles into the Province aforesaid, but could not cross the Bay of Fundy, for no vessel could be hired or procured, except we purchased one, as every vessel, even to a boat, that crossed the Bay, was seized as soon as they came into port, except cleared from Halifax; and we could not travel any further into the Country, by reason of Governor Legg's establishing martial law in said Province, and issuing several Proclamations, one bearing date July 5, 1775, which is as follows: 'I do therefore, with the advice and consent of His Majesty's Council, publish this Proclamation, hereby notifying and warning all persons that they do not, in any manner, directly or indirectly, aid or assist, with any supplies whatever, any Rebel or Rebels, nor hold intelligence or correspondence with them, nor conceal, harbour or protect any such offenders, as they would avoid being deemed Rebels or Traitors, and be proceeded against accordingly;' also a Proclamation, dated Dec 8, 1775, forbidding any stranger to be in Halifax more than two hours, without making his business known to a Justice of the Peace, upon the pain and peril of being treated as a Spy; also, forbidding any person entertaining any such stranger for more than two hours, without giving information, on the penalty aforesaid. From our own knowledge, and the best information of others, about eight parts out of ten of the inhabitants of Nova Scotia would engage in the common cause of America, could they be protected. There are no fortifications in the Province, only at Halifax, and those much out of repair; but they are at work on them. They have picketed the town in, and have about one hundred and fifty pieces of cannon, not mounted, and about twenty or thirty pieces mounted in the town. There were at Halifax about two hundred soldiers, the beginning of January, 1776, which were all that were in the Province at that time; but we are credibly informed that there are two regiments arrived there since that time. There was only one ship-of-war, of sixty guns, at Halifax, and one of fourteen at Annapolis, at the time aforesaid.

"AARON WILLARD,  
MOSES CHILD."

*Amer. Archives, 4th ser., iv., p. 1149.*

## EXTRACT FROM THE SECRET JOURNAL OF CONGRESS.

"Apr. 25, 1777. A petition of Robert Foster, of the County of Cumberland, in Nova Scotia, with Sundry papers enclosed was read. Ordered, that the same be referred to the Board of War.

"May 13, 1777. The Board of War, to whom their report on the petition of some of the inhabitants of Nova Scotia was recommitted, brought in a report, which was taken into consideration; Whereupon

"Resolved, That the council of Massachusetts Bay be requested to consider the case of the inhabitants of Cumberland and Sunbury counties, in Nova Scotia, who are sufferers by their attachment to the American Cause; and to devise and put in execution at continental expense, such measures as the said council shall think practicable and prudent, for the relief of the said sufferers; and to enable such of them as may be desirous of removing to a place of greater safety, to bring off their families and effects. And the said council is hereby authorized to raise a number of men if necessary, for that service, not exceeding five hundred, in such places as will least interfere with the raising their quota of troops for the continental army."

*Secret Journal of Congress, i, p. 82.*

*Note:* Undoubtedly the foregoing resolve of Congress played an important part in the affairs of Yarmouth and Barrington, during the war, in influencing the Government of Massachusetts to deal leniently and generously with our people. Although the two townships were then included in the County of Queens, it is unlikely that the members of the Bay Colony government made any distinction in their dealings with the inhabitants of the Province.

The expedition of Col. Jonathan Eddy against Fort Cumberland; Col. John Allan's campaign among the Indians on the St. John river; the disaffection of the inhabitants of Cumberland, Kings and Sunbury Counties, and much more relating to the subject has been already described in the Nova Scotia Historical Society's Collections, Frederick Kidder's

"Military Operations in Eastern Maine and Nova Scotia in the Revolutionary War," and the "American Archives," from which the above extracts have for the most part been copied. The "Archives of Massachusetts" contain a large number of the original manuscripts relating to the subject, very few of which have ever been printed, but the reader may be able to gain a fair idea as to the state of affairs throughout Nova Scotia during the War from the above. It should be remembered that the Loyalists did not begin to arrive in the Province in any considerable numbers until towards the close of the War.

Under date of Oct. 12, 1758, and Jan. 11, 1759, respectively, two proclamations were issued by His Excellency Governor Lawrence, inviting colonists to take up the newly opened lands of Nova Scotia, and offering many inducements for their settlement. Throughout New England these proclamations aroused a great deal of interest, and resulted in the emigration of a large number of settlers. Attracted thither more by reason of their close proximity to the fishing grounds than anything else, the townships of Yarmouth and Barrington were soon settled by people who were chiefly from Essex and Barnstable Counties, in the Massachusetts Bay Colony. Until the beginning of the War their chief and almost only means of subsistence was the fishery, and the principal market for the fruits of their industry was in New England. Ties of kinship and frequent trade intercourse served to foster the most cordial and friendly sentiments between the peoples of the parent colony and southern Nova Scotia, and it would have been quite natural for the inhabitants of Yarmouth and Barrington, after the beginning of the War, to have actively participated in the struggle for independence in which their relatives and friends were engaged. They would certainly have been more justified in such a course than were the inhabitants of some of the more disaffected portions of the Province.

With the commencement of hostilities the people of Yarmouth and Barrington were placed in an extremely delicate position. There are no evidences that the government at Halifax took any measures to effectually protect them from the ravages of the almost piratical American privateers, some of whom made little distinction between friends and foes. In their exposed and defenceless position, any show of hostility to the American Cause would have brought down upon their heads the most direful consequences. While there can be no question but that a large portion of our people were moved by feelings of sympathy and good will towards their American kinsmen, it cannot be claimed that they were openly disloyal or disaffected with the Crown.

They wished to be let alone, and it is not difficult to understand the motives which prompted the inhabitants of Yarmouth to petition the Governor and Council (Dec. 15, 1775,) for liberty either to return with their families to New England, to remove them to Halifax for better protection, or to be permitted to remain neutral (as were the inhabitants of the Bermudas, Bahamas and New Providence, although subject to Great Britain). The refusal of the Governor and Council to entertain either proposition must have caused great disappointment.

But matters of sentiment soon became subservient to great and pressing need. The advent of hostilities put an end to the trade relations existing between Nova Scotia and New England, and closed to them the market in which our people had been used to exchange their fish, oil, salt, furs and feathers for provisions and supplies. It was next to impossible to procure any necessities at Halifax, because of their scarcity there, and even if they had been obtainable their transportation to Barrington or Yarmouth was attended with so much risk, because of the American privateers infesting the coast that few essayed to try it. Hence it was but natural, when extreme want became unendurable in the young settlements, as was the case nearly every winter during the War, for the people to turn to their relatives



and friends in New England for the relief and assistance they were unable to find elsewhere.

Throughout the whole period of the War the Massachusetts General Court was in almost constant receipt of petitions from individual inhabitants of Yarmouth, Barrington, and other places in the Province, praying leave to return with their families and effects. These petitions were usually granted, and a pass was issued to each applicant, directing the commanders of all ships-of-war and privateers belonging to the State not to interfere with or molest the holder on his passage between Nova Scotia and Massachusetts. But comparatively few availed themselves of the privilege after having obtained the desired permission to return. It is very evident that the written passports were themselves the *desideratum*, and were used as a means of protection against the reprisals of American privateers while engaged in fishing or coasting in their small shallops or schooners. In a great many instances our fishermen were able to save their vessels from capture and confiscation by this shrewd Yankee trick, although it did not always succeed.

Considerable space might be devoted to the American prisoners-of-war brought into Halifax by British cruisers. The prison ships and gaol were utterly inadequate for their confinement, and the restraints laid upon them were extremely lax. A few were allowed to give their paroles and then get to their homes the best way they could; but large numbers of them were constantly escaping, and the Government does not appear to have made much effort to recapture them.

A great many of these paroled and escaped prisoners made their way, sometimes through the woods, and sometimes along the coast, to Barrington or Yarmouth, where they frequently found themselves among former neighbors, and sometimes relatives. Their further progress being impossible without assistance, it became necessary for our people either to burden themselves with their support, or to "ship them over the Bay." Our people were already in a distressed condition, and these additional mouths to be filled made serious inroads upon their scanty stores of provisions, although the same spirit of hospitality, for which the sister towns are noted, impelled them to share what little they had with their needy guests.

But Yankee wits were not slow in devising means for overcoming the difficulties of the situation. The ex-prisoners were anxious to get home; their hosts were happy to "speed the parting guests"; the merchants of Boston and Salem were in want of dry fish, which their own fishermen were unable to furnish; while our people were well supplied with fish but were in urgent need of provisions and supplies.

Although all manner of intercourse between the Colony and the Province was forbidden by both Governments, there was but one way by which these conditions could equalize themselves, and the authorities necessarily shut their eyes to a great deal. From time to time, as provisions grew scarce, it became customary for one or more of our fishermen to load his shallop with fish or salt, (another article in great demand in the Colonies, and with which our people were well supplied, by reason of their trade with the West Indies, then in its infancy), and to put on board as many of the ex-prisoners as were at hand or could be accommodated, and boldly set sail for some Massachusetts port. Often they were "held up" by American privateers, while on their way, but usually the presence of the Americans on board, together with the permits described above, served as a means of protection, and they were allowed to proceed. Upon their arrival their vessels were sometimes seized as the property of subjects of the King of Great Britain; and in all cases, before any disposition could be made of the cargo, a petition to the general Court, praying for liberty to sell the fish or salt, to purchase provisions with the proceeds, and to depart with the same in their vessels, would be next in order.

These petitions were almost invariably granted. They were often written by clerks, engaged for the purpose, and in their zeal to serve their employers, and facilitate the action

of the Court, they sometimes made use of language considerably stronger than the real sentiments of their employers would perhaps warrant. It would be well for the reader in perusing these documents to bear this fact in mind

Some of the American prisoners described above were captured in privateers, and had been previously engaged in harassing the coast, and making life a burden to our people; yet no distinction was made in their treatment, and all were alike the recipients of the favor and bounty of our people. To their everlasting shame, a few of them, who owed their safe return home to the kindness of our people, no sooner arrived in Massachusetts than they re-shipped on other privateers engaged in the same nefarious business, and repaid their benefactors with insult and abuse.

The laws of Congress, under which these private armed vessels were commissioned, and indeed, the commissions themselves, distinctly forbade their depredations in the enemy's country *above high-water-mark*. The Massachusetts Government repeatedly took occasion to reprimand the owners and officers of privateers who were continually violating the rules of international law and the usages of civilized nations at war with each other, and finally passed a resolve requiring privateer owners to give bonds, in order to prevent their shameful treatment of our people.

There were a great many privateers in the employ of the Colonies, whose owners and officers were gentlemen, and brought credit to their service. They never stooped to wage a war of rapine and plunder upon an unoffending, defenceless people, especially a people of their own kith and kin; on the other hand, numerous instances of their chivalrous kindness to our people attest their high-minded qualities, notably when the officers and crew of H. M. S. "Blonde" were saved by two of them. But some of the small schooners fitted out and commissioned in Rhode Island and Massachusetts were manned by crews too cowardly to attack where they expected to find any resistance, and whose actions smacked of piracy more than of legitimate warfare. The Governments under which they were commissioned cannot be blamed for their deeds, as very few accounts of their performances reached the authorities until it was too late to take any action.

## CHAPTER I.

The earliest mention made of Yarmouth in the Massachusetts Archives is a letter addressed to no less a personage than General Washington, dated at "Yarmouth, Nova Scotia, 15th of January, 1776," and written by one Stephen Parker, an inhabitant of Machias, who was then at Yarmouth for the purpose of buying hay. In his letter he says "that at Annapolis, in this Government, a schooner with hands impressed which had two Oask of Powder and an equivalent in ball, shipp'd by some officers in the Government's service, was sent to St. John's river with orders to put the powder, Ball, &c., into the hands of the savages there, and to stir them up to cut off the inhabitants of Machias, having an officer on board to whose care the matter was committed. Thrice they put out of the Harbour, and by violent winds were drove back, the last time the vessel narrowly escaped being lost, which adverse providence has induc'd them to lay by their design at present. At the same place a ship of six hundred tons, collecting stores for Boston was lately cast away with entire loss of Vessel & Cargo. This intelligence may be relied on," etc.

On the back of the letter is written: "This letter was wrote with a view of embracing the first opportunity to send it to the General. John Trevooy of Yarmouth in Mr. Stanley's Schooner promised to call at my lodgings, before he sailed for Marblehead last winter, but failing of calling I had not opportunity to send it, fearing to give it him long before he sailed lest it might be known in Nova Scotia."

\* \* \* \* \*

{ STATE OF MASSACHUSETTS BAY.  
IN COUNCIL Apr. 9, 1776.

Whereas It is apprehended that some of the Inhabitants of this Colony may be induc'd from a regard to their own interest to employ their Vessels the coming season in the business of Fishing, and in order to avoid the Inconveniences they may be expos'd to by an Act of Parliament (A) designed to restrain the fishery of the Colonies, may make over the Property of their Vessels to some inhabitants of Nova Scotia—

To the Intent therefore that no Inhabitant of this Colony may unwarily go into such a method of Conduct, It is Resolved that if any Inhabitant of this Colony shall upon any pretence whatever transfer his property in any Vessel to an Inhabitant of the Province of Nova Scotia he will thereby violate a Resolve of the Congress prohibiting all Intercourse, with the Inhabitants of that Province, and of course may expect to be obliged to submit to the pains & penalties due to such an offense.

Sent down for concurrence.

PEREZ MORTON, D. Sec'y.

IN THE HOUSE OF REPRESENTATIVES, Apr. 15, 1776.

Read and concurred with the amendment at A, viz. at A dele "designed to restrain the fishery of the Colonies," & Insert "prohibiting all manner of Trade and Commerce with the United Colonies and declaring forfeited all such Vessels and Cargoes &c as shall be taken belonging to the Same."

Read and Concurrence.

J. WARREN, Speaker.

Read and Concurrence.

Read and Concurrence.

JOHN LOWELL, Dep'y Sec'y.

Ms. A. 9. 2. 208, p. 366.

\* \* \* \* \*

*To the Honble the Council of the State of Massachusetts Bay now sitting at Watertown.*

The Petition of Richard Valpey most humbly Sheweth that your Petitioner is a native of Salem, where he always Resided untill within a few years when he with his family and many others Removed to a place Call'd Yarmouth in the Bay of Fundy & Province of Nova Scotia, Inhabited chiefly by People from Salem and Beverly, who are now Bro't to Great Straits & Difficulties, Owing to the Communications between this State & that Province being Cut off. That your Petitioner is very Desirous of Removing himself & family from Nova Scotia to Salem, the Place of his nativity, Could he have your Honor's Liberty for his so Doing, and to Prevent his little furniture & Effects from being Captured on their Passage from Yarmouth to this Place your Petitioner humbly prays your Honors will be pleased to Grant him a License in Writing to Return to Nova Scotia in any way he may be able & to remove from thence himself, his Wife and nine Children and an aged mother together with his furniture, and your Petitioner as in Duty Bound shall Ever pray

RICHARD VALPEY.

SALEM, 3 Octr 1776—This may Certify that the Contents of the foregoing Petition is True, & that Mr. Valpey has been a Respectable ship Master in this Place for many years.

R. DERBY, Jr.

*Mass. Archives, Vol. 165, p. 320.*

NOTE.—The above memorial and certificate are in the handwriting of the Hon. Richard Derby, Jr., one of the foremost citizens and patriots of Salem. That there was a connection between the Valpey and Foote families of Yarmouth and the Derby family of Salem will be shown in a subsequent chapter.

The Council at the same time received petitions of a similar nature from Ebenezer Porter (who stated that he was a native of Salem, "where he was bro't up, and afterwards resided at Woburn," untill his removal to Yarmouth a few years previously. He mentions wife and five children), Nathan Utley, Henry Coggin, Asa Hammond and Nehemiah Porter, who signed "in behalf of his son of the same name at Yarmouth."

These petitions were all granted by the Council, who instructed Mr. Samuel Holten to draft permits, which read as follows:

STATE OF MASSACHUSETTS BAY, Council Chamber, Oct. 4, 1776.

*Whereas* Ebenr Porter, Richard Valpey, Nathan Utley, Henry Coggin, Asa Hammond & Nehemiah Porter, all of Yarmouth, in ye Province of Nova Scotia, have petitioned this Board that they may have liberty to remove themselves, their Families and effects from sd. Yarmouth to this State & it appearing that the petitioners not many years since removed themselves and Families from this State

*Therefore Ordered* that the above named petitioners be and hereby are permitted to return from this State to Yarmouth in the Province of Nova Scotia & bring of their Families and effects to any part of this State that they shall think proper, and it is hereby recommended to All Commanders of all Armed & other vessels to let the above named petitioners, or either of them, pass unmolested to Yarmouth in sd Province and from thence to this State to bring their Families & effects.

*Mass. Archives, 165-321.*

\* \* \* \* \*

YARMOUTH, Nova Scotia, September the 26th, 1776.

CAPT. JOSIAH BACHELDER—Sur we take Lieve at this Difcalt time to write these few lines to you Hoping They will find you and yours in Good health as we are at this Time Blessed be God for it—Sur, we are informed you are one of the members of the house of General Assembly of that Province, therefore we think best With advice, to beg the favor of you which we are in Kneed of, which is a Permit or Portiction from being Made a prize of by the Amaraca vessels of war in our Coming up there with our families and what little we Can fetch with us. We Dont suppose that a permit from Any authority below that we used

to call the General Court will be any protection. Mr. Robert Haskell advis'd us to write a petition and send it up to you to Lay before the Congress, But we thought we Could not form one in any formal manner, so we Diddent, and we Dasant ask any one hear to Do it Lest we should be Inform'd Against at Halifax, and they should git authority to Stop what Little we Can fetch away, and us tue. But if you think it Best, and that it is Likely we Can obtain one by a Petition and not without We Pray that you will Draw one for us in our names and behalf and we will pay you for it. And for all other trouble you may be at in procuring It for us. Mr. Haskell says he will use Best endeavors to Convey it to us if you can git it for us—So no more at Present but we Remain your

most Humble Servents and Ever Well wishers,

JAMES BROWN,  
NATHAN BROWN.

*Mass Archives, Vol. 165, p. 349*

*To the Honorable Council of the State of the Massachusetts Bay.*

The Petition of Josiah Batchelder, Jr., in behalf of James Brown & Nathan Brown of Novascotia, But Late of Ipswich, in this State, Humbly Sheweth, that the above named James & Nathan Brown, have Resided at Yarmouth in Novascotia for Several years and are now desirous of Returning with their Effects to this State, where they formerly belonged. Therefore your Petitioner Humbly Prays your Honors to Grant a protection to James & Nathan Brown to Return with Their effects Unmolested, from Yarmouth in Novascotia to Ipswich in this State—

And your Petitioner as in duty bound Shall ever pray

Watertown, Oct. 10, 1776.

JOSI. BATCHELDER JR.

In Council Oct. 10, 1776, Read & Ordered that a similar Order to that given to Ebenr. Porter, Richard Valpey & others, Oct. 4th last, be Granted to the above named Jas. & Nathan Brown.

*Mass. Archives, Vol. 165, p. 348.*

JOHN AVERY, Dpy Secy.

\* \* \* \* \*

BARRINGTON, Nova Scotia, Oct. 19, 1776.

GENTLEMEN:

We the Subscribers, Inhabitants of Barrington in ye Province of Nova Scotia, having hired and partly loaded the Schooner Hope with Fish and Liver Oyl bound for Salem or Beverly in the Province of the Massachusetts bay—Earnestly Pray and Request of you the Honble Congress, or those whose business it may be to see to it, To permit and Suffer the said Loading to be disposed of by Heman Kenuey and part of the amount to be Lay'd out in provisions for the Support of us the Subscribers which are entirely Destitute of any for the support of them or their Children and it is Impossible to get any Elsewhere. And a long Winter Approaching—God only knows what will become of us; We look on ourselves as Unhappily situated as any People in the world; being Settlers from the Massachusetts Bay, for whose welfare we Earnestly pray, having Fathers, Brothers, and Children living there: And we have in the Course of these Unhappy Times done everything in our power to Assist those Unfortunate people that have been Taken and come into this place from Halifax, to ship them over the bay on their way home. And have not at any time Either [either] by Supplies or men to Injure our native places or Country. In the above Vessel are Three Families with their Effects which have left this place and gone to the places in your province where they formerly came from, And we the Subscribers dont know but that we must follow them for we dont think we can Live Quietly here for our Employment is such for the Support of our families to Vizt Fishing as you look upon Dis-service to the great cause you are Imbarked in, and we cannot but follow it while we are thus Situated; Therefore we Earnestly pray and Request of you in your Great Goodness and Wisdom to Assist us with provisions as we the Subscribers shall want for this winter and till such time as we can remove ourselves from this place to our former homes unless these Tremendous Times are Stinted, Which God grant may be soon: We have Authorized and Appointed our Friend Mr. Heman Kenuey to Answer and Reply to any Questions and to represent our Deploable Situations to you the Honble Congress or others whom he may be called before; And we are ready to keep up a correspondence with the Inhabitants of your province to Exchange

fish for other provisions if you should see fit to Incourage such a Trade until such Time as we can remove ourselves from this place provided you are Determined to prevent our fishing on this Shore. For the privateers have taken Severall of our Schooners from us and the fish caught in them to the great Distress of the fishermen which have not done anything but fishing to Injure you, which they could not help, being the only way they have to maintain their families. For all which causes and Reasons we cannot but flatter ourselves that you will receive this Memorial from us and answer our request which will Enable us to Support our Wives and Children, and we cannot think the request being granted any Damage to you. We mean not to Offend you in anything but should be glad to know our Destiny if any of us should tarry at this place during these times for we have not seen nor heard from you anything who are in Authority but only from some of the men on board the privateers who tell us all the Dreadful Things that can befall any People, to Vizt That the Indians are commissioned to come on the back of us to kill burn and Destroy. A picture thus drawn by them that we the Descendants from America Cannot think ever Entered into the breasts of the free and Generous sons of America. We are Gentlemen, your most humble petitioners and very humble Servants

Solomon Smith  
Isaac King  
Jonathan Doane\*  
Reuben Cohoon  
Theodore Smith  
Stephen Nickerson  
Elihanah Smith  
Jonathan Smith  
Isaac Kenney  
Gamaliel Kenney  
Marcy Kenney  
Isaac King Juner  
Samuel Osborne Doane  
Solomon Kenwick Jr  
Thomas Crowell

David Crowell  
Elisha Smith  
William Greenwood  
Solomon Smith Juner  
Benjamin Kirby  
Samuel Butman  
Joseph Smith  
Jonathan Smith Jr  
Joseph Atwood  
Smith Crowell  
Joshua Atwood  
John Reynolds  
Joseph Kenwick  
Edmond Doane

N. B.—We hope and Desire you will not give this a place in your newspapers tho you may think it worthy—Which may be of Damage to us if we should remain at this place.

*Mass. Archives, Vol. 211, p. 122.*

The petition of the inhabitants of Barrington was acted upon by the General Court as follows:

IN THE HOUSE OF REPRESENTATIVES, Nov. 15, 1776.

Whereas it appears to this Court that the within petitioners, inhabitants of Barrington in Nova Scotia have proved themselves firm friends to the United States of America, & on that account are determined as soon as may be to transport themselves & their families from that province to this state in order to get out of the reach of British tyranny:

And it being represented that the inhabitants of Barrington, from a determined refusal of trade with the enemies of America have exposed themselves to great hardships thro want of such provisions as are necessary to support them until they can be removed; therefore Resolved, that the prayer of the within petition be so far granted as that the within named Heman Kenney be & he hereby is permitted to purchase and export from any town or place in this state to said Barrington, solely for the purpose of enabling the said inhabitants thereof to transport themselves from thence to this State, 250 bushels of corn, 30 barrels of pork, 2 hogshheads of Molasses, 2 do. of rum, 200 lbs. Coffee.

Sent up for Concurrence.

J. WARREN Spkr.

In Council Nov. 16, 1776.  
Read & Concurred.

JOHN AVERY D. Scy.

\* This signature is almost illegible, and the first name may be other than Jonathan.

\* \* \* \* \*

*To the Honble Council & House of Representatives, of the State of Massachusetts Bay.*

The Petition of Josiah Porter Humbly Sheweth,

That your Petitioner has resided at Yarmouth in Nova Scotia about four years, and that State being in a State of War with this, your Petitioner is desirous of Returning to this State which is the place of his Nativity. Therefore your Petitioner Humbly prays your Honors to Grant him a permit to Return with his family & Effects from Nova Scotia to this State, and your Petitioner as in duty Bound shall Ever pray.

JOSIAH PORTER.

Boston, April 18th, 1777.

STATE OF MASSACHUSETTS BAY.

In the House of Representatives, May 8th, 1777.

*Resolved*, that Josiah Porter, be, and he hereby is, Permitted to Return, from Nova Scotia to any part of this State with his Family & Effects. And all armed Vessels belonging to this State are hereby directed to permit said Porter to pass unmolested, and it is hereby recommended to all other American Armed Vessels to suffer the said Porter to Pass unmolested.

Sent up for concurrence.

J. WARREN, Spkr.

In Council May 8, 1777.

Read & Concurred.

JNO. AVERY, Dpy Secy.

*Mass. Archives, Vol. 214, p. 34.*

STATE OF MASSACHUSETTS BAY.

In Council Chamber Sept 8, 1777.

Ordered, that Josiah Porter be & he hereby is permitted to go from Newburyport in a small schooner called the Slope to Nova Scotia to bring his Family & Effects from thence to this State. And all Commanders of Armed Vessels belonging to this State are hereby directed to suffer the sd Porter to pass unmolested and it is recommended to the Commanders of all other American Armed Vessels to do the same.

Read & Accepted.

JNO. AVERY, Dpy Secy.

*Mass. Archives, Vol 167, p. 207.*

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Dpy Secy.

## CHAPTER II.

*To the Honble the Council and the Honble House of Representatives of the State of Massachusetts Bay:*

The Representation of the Committee of Correspondence, Inspection and Safety of Salem Sheweth,

That Capt. Richard Valpey, an Inhabitant of Yarmouth, in the Province of Nova Scotia, but formerly of this Town, hath made application to this Committee, setting forth, That being at Halifax in said Province, in May last, he was applied to by the following persons, Vizt., Capt. Habakkuk Bowditch, Messrs. Jonathan Payson, Charles Callahan and Andrew Millet, Inhabitants of this State, and who were then Prisoners at that Place, requesting him that he would devise some means by which their escape from their Captivity might be effected as they were then in the most necessitous and distressed circumstances and situation; that he accordingly procured a Vessel and engaged to bring the said persons from Halifax which he accordingly did, altho' at the Risque of his Vessel as well as his liberty, as he must unavoidably have forfeited both, had he been detected in the execution of his plan by the Government at Halifax; that in pursuance of this Scheme he was proceeding to St. John's in the Bay of Fundy, where he had engaged to land the said Persons, but while on his Passage, he was informed, that that place would be in the hands of our Enemies before he could arrive there, in consequence of which he put into Cape Porcean, where his Passengers beforementioned got a vessel to carry them to Newbury; that after this the said Valpey was proceeding to St. John's, having on board, two hogsheds of Rum, two hogsheds of molasses, one piece of checked, and two pieces of white Linen, and two barrels of Pork, with which he was going to purchase a load of Staves for the use of persons residing at Yarmouth; that while he was at St. John's a party of men from Machias, in this State, came and took his Vessel and goods into possession, and made himself and his Crew Prisoners; and carried them all to Machias, where they still hold the said Vessel and Goods. This Committee would therefore interceed with the Honorable Court in behalf of the said Valpey, and beg leave to acquaint the Honble Court, that they are well assured that the Inhabitants of that part of Nova Scotia of which the said Valpey is an Inhabitant, are almost to a man friendly to the Interest of these States, that they frequently have assisted our Countrymen, who have been Prisoners and carried in there, in making their Escape, and when any of our Vessels have been forced into that Place, they have afforded all the assistance and Relief which was in their Power to the Crews; particularly when the Brigantine Cabot was drove in there by the Milford, this same Capt. Valpey entertained and supported Capt. Olney, Lieut. Knight and about thirty others of the Cabot's Crew three days and nights, in his own house and at his own expense, as will appear by a Certificate signed by the said Lieut. Knight herewith transmitted. And as the Cartel between this State and Nova Scotia is now stopped and no way for the Subjects of this State who may be carried Prisoners into that Province to be released, but by the assistance of such persons there, whose humanity and friendly disposition towards these States may induce to afford such assistance. The Committee therefore fear that unless a stop is put to making Captures of, or Seizing any Vessel which may be employed in endeavoring to effect the Escape of any such Prisoners, it will entirely prevent and discourage any of the Inhabitants of that Province (who otherwise would be disposed to do it) from giving any assistance to any of our People in future.

This Committee would therefore Pray that the said Capt Valpey may have his Vessel and Goods ordered to be restored to him, or otherwise relieved as the Honble Court in their Wisdom shall think fit and proper.

The Committee would also beg leave to recommend him to the favour of the Government that he may have some allowance made him for his Expense in Entertaining the Captain and part of the Crew of the Brigantine as mentioned before.

By order of the Committee.

THOMAS MASON, Chairman.

Committee Room, Salem, June 30th, 1777.



In Council, July 1st, 1777: Read & Ordered, That Henry Gardner, Esq., with such as the Honble House shall join be a Committee to consider the above Representation and report what is best to be done thereon.

Sent down for Concurrence

JOHN AVERT, Dpy Secy.

In the House of Representatives, July 1, 1777

Read & Concurred & Mr. Wendell & Mr. Hunt are joined

R. T. PAINE, Spkr pro. temp.

ST. JOHN'S RIVER, May 26, 1777.

Whereas Richard Valpey, Master & Owner of the Schooner Industry has risk'd his Person and Property in taking us Prisoners from our Confinement at Halifax & Setting us at Liberty in this place, We think fit to recommend him to the Countenance & favour of all the Officers in the American Navy.

JONA. PAYSON,  
CHARLES CALLAHAN,  
ANDREW MILLET,  
HAS'X BOWDITCH.

Mass. Archives, Vol. 183, p. 53.

These may Certify all whom it may Concern that the Subscriber was Lieutenant of the Brigg Cabott at the time she was Chased on shore at Chebogue [i. e. Chebogue] in Nova Scotia by the milford frigate and that after the officers and Seamen made there Escape from the wreck Capt. Olney, my Self and near thirty of the Cabot's Crew was lodged and Curtisly Entertained by Capn Richd Valpey at his house in Yarmouth Nova Scotia for three days and three knights and this entirely at the Expense of Said Valpey whose friendly disposition to my Self and others belonging to the United States demands my most grateful Acknowledgements and I do hereby recommend him as a person whose general Conduct merits the favor of all the good people of these States.

BENJ. KNIGHT, LIEUTENT.

Salem, 30 June, 1777.

Mass. Archives, Vol. 183, p. 54.

MACHIAS, June ye 12th, 1777.

TO CAPT. STEPHEN SMITH—

\* \* \* William Albee arrived hear last Sunday with a prize Schooner, the Industry, Richard Velpay Late master which schooner was taken Last week by Capt. West & Company and sent in hear. Mr. Albee Seemes to attend to the Buisness of the prize more than the Safety of the State, that [he] layed there matter before the Committee that there being no Letters from Mr. Allen and but a very blind account from Capt. West, did not very well know how to proceed, but recommended to Mr. Albee for him and his party to Secure the Prize in the best manner they Could and return to their Duty again. But Mr. Albee declined; but Mr. Hall, one of the Guard with him expressed his desire to return to Capt West again, and with the rest set off today for St. John.

Mr. Albee seems intent upon libelling and getting the vessel condemned immediately. The Committee recommended him not to proceed any further in the matter until he notifies Mr. Allen and sends him a copy of the vessel's papers and an account of the whole proceedings, so that he may be consulted in the matter, as Mr. Allen was up the river with the Indians when they took and brought the said prize away. And the Committee told Mr. Albee that his present designs seem to carry an appearance of trying to get the vessel condemned to a few individuals and giving up all pretensions of being in the State's service. We told him that if so, the Committee would insist upon the Expences of their provisions, boats and ammunition, to be paid out of the proceeds of the prize. However, that was a matter he gave himself no trouble about, and without the advice of the Committee, on his own account, he landed the cargo in 'Squire Jones's store, and we suppose, either by himself or attorney, will soon have her libelled at Pownalborough. If the captors are in the State's service, you will acquaint the State Agent of the matter; also, you can get the trial put off until Mr. Allen can have an opportunity to put in his claim, if he has any, as it may be asserted that he is among the Mic-mac Indians. We think that those persons who seek

their own interests so much more than they do the safety of a bleeding Country, deserve no preferment in it. Capt. West was kind enough to write to the Committee to support his family while he is in the service, but said nothing concerning the disposal of the prize.

By inquiry we understand her cargo is—

2 Hh. W. India Rum,	
2 Hh. Molasses,	
5 Tierces Rice,	
2 Barrels Pork,	some
1 Barrel Tobacco,	English
about 300 wt Cottons,	goods.
20 thousand nails,	
A good Schooner, about fifty tons.	

She appears by the papers to be from Halifax about fifteen days ago, but brings no material advices. The late Captain seems to have great pretensions to liberty and has a permit from the Honourable Council dated last October to remove his family and effects from Yarmouth, in Nova Scotia, into this State, but it seems was on a very different business. It is plain to be seen how the Honourable Council is imposed upon by such villains, who, under the Cloak of Liberty, are daily selling their Country.

JAMES FLYNN, Clerk.

To Capt. Stephen Smith, at Boston.

NOTE.—The foregoing letter is so badly written and the spelling is so outrageous as to necessitate my making corrections in order to present it in readable form. This is the only letter in the entire series requiring such treatment, and I hope to reproduce the others *verbatim et literatim*—E. D. P.

In Council, July 1st, 1777: Read & Committed to the Committee to whom was referred the Representation of the Committee of Correspondence, &c., of Salem, relative to Mr. Valpey.

Sent down for Concurrence.

JNO. AVERY, Dpy. Secy.

In the House of Representatives, July 1, 1777,  
Concurred.

R. T. PAINE, Speaker pro tem.

Mass. Archives, Vol. 183, p. 53.

The Committee of both Houses appointed to consider the Representation of the Comtee. of Correspondence, Inspection & Safety of the town of Salem have attended that Service & ask Leave to Report

That Capt. Richard Valpey mentioned in sd. Representation is an Inhabitant of Yarmouth, in the County of Cumberland, in the Government of Nova Scotia, the Inhabitants whereof have been great Sufferers By their attachment to the American Cause, as expressed in a Resolution of Congress passed the Sixth Day of May last. Your Committee also find that the said Valpey hath frequently exerted himself to relieve and Comfort American Prisoners making their Escape from Halifax in sd. Government

Therefore Resolved, that the Schooner Industry (taken by a Party of Capt. West's Company, now in the Pay of this State at St. John's River in Nova Scotia) together with her Cargo and Stores intire be immediately restored to the said Valpey & the Committee of Correspondence, &c., of Machias and all other persons concerned are directed to cause this Resolution to be carried into execution.

In Council, July 2, 1777,

Read & Accepted,

Sent down for Concurrence.

JNO. AVERY, Dpy. Secy.

In the House of Representatives, July 3, 1777,  
Read & Concurred (in a new draft)

R. T. PAINE, Speaker pro temp.

Add—& the Naval Officer or other Civil Officers are not to permit the said vessel to depart for Nova Scotia until the further order of this Court, or of the Council in the Recess.

Mass. Archives, Vol. 183, p. 56.

IN COUNCIL, July 21, 1777.

Ordered, that Capt. Richard Valpey, master of a Schooner lately taken by a party of men under the Command of Capt. West & carried into Machias, be & he hereby is permitted to Depart this State for Yarmouth in Nova Scotia with his Said Schooner and all & Every Articles which were on board the said Schooner at the time of her Capture, and the Maritime Court of the Eastern District, the naval officer & the Committee of the Port and Town of Machias are hereby order'd and Directed to see this order Carried into Execution.

Read & Accepted

JNO. AVERY, Dpy. Secy.

*Mass. Archives, Vol. 167, p. 99.*

NOTE.—It may have been partly owing to the mistake of the committee of both Houses, in confounding Cumberland with Queens County, in Nova Scotia, that Mr. Valpey owed this happy issue out of his troubles.

The Mr. Allan mentioned in James Flynn's letter to Capt. Stephen Smith was Col. John Allan, a former resident of Nova Scotia. He was born in Edinburgh Castle, Scotland, Jan. 13, 1746, the son of William Allan, an English army officer. When he was about three years old his parents removed to Halifax, N. S., and afterwards were resident at Fort Cumberland, where Mr. Allan, sr., received extensive grants of land. John Allan was a representative to the Provincial Parliament of Nova Scotia from 1770 until 1776, when, by reasons of his disaffection, he became so obnoxious to the Government as to necessitate his fleeing to the United Colonies. Proceeding to Philadelphia he endeavored to interest Gen. Washington in his plan for the invasion of Nova Scotia, and was invited to lay the matter before Congress. He was appointed Colonel of Infantry and Superintendent of the Eastern Indian Department, with headquarters at Machias, although the seat of his campaign was on the St. John river, where he remained during the greater part of the war. "His energy, determination and pluck helped very materially to save to the United States a large part of the territory now comprising the State of Maine, and had his proposals been entertained the original States might have consisted of fourteen."—See "Nova Scotia Hist. Soc. Coll." Vol. II., p. 10; also "Military Operations in Eastern Maine and Nova Scotia," pp. 26-7.

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## CHAPTER III.

The following papers give us some interesting details of the manner in which H. M. S. "Milford," Capt. Burr, out-maneuvred three American brigs of war, the "Massachusetts," Capt. John Fisk; the "Tyranicide," Capt. Jonathan Harriden, and the "Cabot," Capt. Joseph Olney, and drove the latter ashore at Chebogue. It is extremely doubtful if any account of this naval "affair" has ever before appeared in print.

WAR OFFICE, BOSTON, July 31, 1777.

*To the Honorable the Council for the State of Massachusetts Bay.*

May it please your Honors,

It having been suggested that Capt. Fisk, of the State armed Brig Massachusetts, has failed in point of Duty on a Cruise in Company with the Continental Brig Cabot & the State Brig Tyranicide, and as Capt. Fisk is anxious for some means of clearing his character from all Aspersions, we pray your Honors to order either a Court Martial or Court of Inquiry that Justice may be done if Capt. Fisk is censurable, or if he has behaved like a Man of Honor & a Gentleman those unjust and injurious Reflections, (which to an Officer of his distinguished Merit & nice Feelings are intolerable) may be obliterated. \* \* \*

By the Order of the Board of War.

SAML. A. OTIS, Pres. pro tem.

In Council July 31, 1777—Read & Committed to Walter Spooner, Joseph Palmer & Benj. Austin, Esqrs to consider the within and Report what is best to be done thereon.

JNO. AVERY, Dpy. Scy.

Nathaniel Webb, prizemaster on board the Brigantine Tyranicide, commanded by Capt. Jona. Harriden, deposeseth & saith, That on the 24th of March, 1777, about 10 o'clock at night, being in Company with the Cabot, Capt. Olney; and ye Massachusetts, Capt. Fiske; we discovered a Sail to the Eastward of us; not more than four miles distant:—the Cabot & Massachusetts being to the Eastward of the Tyranicide, & the Massachusetts being the nearest to the Sail;—the wind being about South;—we soon discovered the sail to be a frigate and made all necessary preparations to engage her;—The Three Brigantines then bore down to the frigate; and we came within a mile and a half of her when she bore away and made false fires; Before this she was standing to the westward, by the wind. The Massachusetts then hove to, and spoke with the Cabot; what passed I cannot tell; The three brigs then hauled their wind; & stood to the Eastward; no plan of attack was agreed upon that I know of—but it was ye opinion of the Crew of the Tyranicide that we were to attack ye Frigate. The Massachusetts & Tyranicide about one o'clock took in their top Gallant sails to keep company with the Cabot we did not sail so fast.—She carried all her sails,—at Daylight the Cabot was to the windward of us upon our Weather Quarter about half a mile distant; the Massachusetts astern of us about half a mile, and the frigate about 3 miles to the leeward of us, under our lee quarter, all standing to the eastward. About sunrise, Capt. Fiske Spoke with us and asked Capt. Harriden if he was ready to bear down & "take his breakfast," meaning to engage the frigate; Capt. Harriden answered with all his heart. Capt. Fiske then sprung his luff to speak as we apprehended with the Cabot—we on board the Tyranicide expected (all the morning) that the Cabot would bear down and speak with us about the attack, but she kept her wind and it was not possible in our opinion for us or the Massachusetts, to come up with and speak to her. About eight o'clock the wind began to blow fresh; we shortened sail, the Massachusetts did the same; while the Cabot carried all her sails; at ten o'clock we backed our main-top-sail & the Massachusetts bore down and spoke with us. the Cabot still kept her wind, and being about a mile and an half to the Windward of us; on our weather quarter. the frigate, Massachusetts and Tyranicide

then tacked and stood S. W., the Cabot still standing to the Eastward. About eleven or twelve o'clock it came on to be rainy & thick weather, and we lost sight of the Cabot. She then bore about E. S. E. from us about 6 or 7 miles distant; the frigate bore about N. N. W. about 4 miles distant, the Massachusetts being within hailing of us. We saw nothing more of the Cabot or the frigate 'till about one o'clock the 25th P. M.; then the frigate bore about N. E. the Cabot bore about E. N. E., being a hard gale, squally & a high sea running. the Cabot and the frigate standing to the Eastward, the frigate about 4 miles distant & the Cabot about 7 miles and ahead of the frigate about 4 miles; the frigate being in her wake. We then judged that if the Cabot had tacked, she would have fetched more than Gun shot to the windward of the frigate and have joined us, but she set all her sails and bore away before the wind. The frigate then bore away after her; and at 4 or 5 o'clock we lost sight of her; ye frigate being in chase. The weather at this time was so rough and so high a sea going, that in our opinion we could not have come up with the frigate if we had bore away and attempted it—nor if we had come up with her could we have fought our guns and must have been taken.

NATH. WEBB.

I, Littlefield Libby, a prize master on board the Brigantine Tyrannicide, commanded by Capt. Harriden;—being on board the said brigantine at the time within mentioned and being knowing to the foregoing facts deposed to by Nathaniel Webb, do testify and confirm the same in all respects.

LITTLEFIELD LIBBY.

Salem, August 4, 1777.

Sworn to before Joshua Ward, J. P.

*Mass Archives, Vol. 167, p. 129.*

John Lambert, first Lieutenant and Mark Clark Second Lieut. of the Brigantine Massachusetts, a Vessel of War belonging to the State of Massachusetts Bay whereof Capt. John Fisk was Commander: Testify and Say that on Sunday the first day of March last, they sailed in said Brig from Salem on a Cruise, and were joined off Cape Ann Harbour by the Brigantine Tyrannicide: Jonathan Harriden Commander, and the Brig Cabot, Capt. Olney, Commander.—That about Eleven o'clock at night of the same day they saw a Sail to Leward which they judged to be the Millford Man of War. after discovering said Sail they waited for the other two brigs to come up with them, which they soon did and Spoke with each other.—That Capt. Olney and Capt. Harriden asked Capt. Fisk what he thought of the Ship. Capt. Fisk answered that he took her to be the Millford. Capt. Fisk then asked Capt. Olney what he thought of her, he said he was of the same opinion, meaning that he took her to be the Millford, then Capt. Fisk asked Capt. Olney what he thought of Engaging her, he said with all his heart; and they then Cleared Ship and had all hands to Quarters ready for Engaging, the Ship appearing to do the same, making false fires and lights fore & aft, it being then about twelve o'clock at night: That betwixt twelve and one o'clock of the same night Capt. Olney spoke with them again, and asked Capt. Fisk what he thought of her. Capt. Fisk answered that he thought it prudent to keep to Windward 'till Morning, and then Consult what was best to be done, upon which Capt. Olney said he liked it well and at the same time beg[g]ed Capt. Fisk not to leave him. Capt. Fisk replied he'd be D—d if he would. That at daylight the next morning they discovered Capt. Olney about a Mile and a half upon their weather quarter, the wind then about South East. Capt. Harriden was then about as far to Leward, and the Man of War to Leward of Capt. Harriden. That about Nine or ten o'clock in the morning Capt. Harriden seeing both his Consorts to Windward hove his Main Top Sail aback, upon which Capt. Fisk bore away and Spoke with him (the Cabot still keeping her Wind) Capt. Fisk asked Capt. Harriden if he was ready to go down and take his breakfast, meaning if he was ready to go on board the Frigate. Capt. Harriden answered with all his heart. As the Cabot still kept to Windward and the Wind heading of them, they thought it best to Tack to the Southward, and Westward, likewise the Tyrannicide and Cabot Tacked, the Cabot still to Windward; the Frigate also tacked at the same Time. In the afternoon of the same day it came on Thick and Rainy, when they lost sight of the Cabot and Frigate for some time. That about five o'clock the Weather remaining Thick Capt. Fisk and Capt. Harriden Tacked and stood to the Northward and Eastward. they could not then discover either the Cabot or Frigate, but supposed the Cabot was to Windward.—That about Six o'clock it Cleared off, when they saw the Ship to Leward, soon

after that saw the Cabot nine miles to Leeward going large, and supposed she bore away in the rain to get clear of the Ship. the Ship then seemed to bear a little after him to try to cut the Cabot off; the wind then blowing hard and a large Sea going, they determined not to follow the Cabot as there was so great a Sea which obliged them to House their Guns, their Decks being full of Water, and if they had come up they could not fight their Guns in such a Sea. And these deponents further say that they never heard Capt. Olney say he would go and take the first broadside from the ship or anything to that purpose—and they apprehend that in case the Cabot really intended to join the other two brigs she might have done it after the Weather Cleared up without any danger from the Ship, and had the Cabot joined in such rough Weather it would not have been possible to Engage the Ship.

And the deponents further say that Capt. Fisk appeared to be ready and willing to join with the other brigs in Engaging the Ship and never discovered the least backwardness—and further saith not.

JONA. LAMBERT.  
MARK OLARK.

Sworn before Samuel Holten, Esq., J. P.

*Mass. Archives, Vol. 187, p. 137.*

The Milford continued in chase after the Cabot, and the pursuit must have lasted several days and nights. In spite of every effort Capt. Olney was unable to elude the vigilance of the King's officers. Realizing that escape was impossible, and not relishing the idea of being taken, Capt. Olney boldly stood in for the Nova Scotia shore, and beached his vessel near the mouth of the Chebogue river. The crew, numbering 140 officers and men, got safely ashore, "and all hands took to the woods." Upon their coming into the settlement at Chebogue, their wants were supplied by our people, and, as already shown, Capt. Richard Valpey housed and fed thirty of them for a few days. Capt. Zacharias Foot "entertained" the entire company at his house for two weeks, as will hereafter appear, and through Capt. Foot's exertions the Americans were enabled to procure a vessel, in which they returned to Massachusetts.

## CHAPTER IV.

Throughout the whole period of the Revolutionary War, the Government of Massachusetts Bay manifested a spirit of friendliness to the inhabitants of Yarmouth and Barrington, and showed a disposition to grant, as far as lay in its power, the numerous petitions and memorials our people from time to time laid before it. This condition of affairs was due, in no small measure, to the efforts of the Hon. John Pitts, a man of high standing in the Colony; and in order that his many acts of kindness towards our people may no longer remain unacknowledged, I have thought proper to give here a short sketch of his life, as an introduction to a series of interesting papers concerning his connection with the affairs of Yarmouth and Barrington.

John Pitts, the eldest son of the Hon. James and Elizabeth (Bowdoin) Pitts, was born in Boston in 1737, and died in 1815. His mother was a sister of the Hon. James Bowdoin, who was a member of the House of Representatives from 1753 to 1756, when he was elected to the Council, of which body he was chosen President in 1775. In 1777 he presided over the State Constitutional Convention, and was Governor of Massachusetts, 1785-6.

James Pitts, the father of the subject of this sketch, was one of the wealthiest and most influential merchants of Boston, and although the male line of his descendants is extinct, his name still survives in "Pitts Street" and other localities in the "Modern Athens." (The same might be said of his brother-in-law, Bowdoin, in whose honor were named "Bowdoin Street," "Bowdoin Square," etc.)

The Pitts residence stood upon the site now occupied by the Howard Athenæum, and was a noted *rendezvous* for the leading men of the times. It was here that John Hancock, John and Samuel Adams, James Bowdoin, Richard Dana, Dr. Joseph Warren and kindred spirits were wont to discuss the affairs of the day. Mr. Pitts and his six sons were all "Sons of Liberty" and ringleaders in all anti-British demonstrations. Lendall Pitts, the youngest son, led the famous Boston Tea Party, Dec. 16, 1773, when the East India Company's tea was dumped into Boston Harbor.

John Pitts was a Selectman of Boston from 1773 until 1778. In 1777 he became a member of the House of Representatives, of which body he acted as Speaker part of the first year of his membership, an unusual honor. He was chosen a Councillor, May 27, 1778, and after the adoption of the State Constitution was a State Senator several years.

Early in the summer of 1775 William Pitts, a younger brother of John, was sent by his father to Barrington and Yarmouth for the purpose of collecting and shipping back to Boston, or otherwise disposing of a quantity of merchandise, etc., of which the old gentleman was the owner. William remained several years engaged in this task, which was rendered very arduous on account of the War, and his troubles while thus employed furnish an interesting series of documents.

The Hon. James Pitts died Jan. 25, 1776, leaving no will, and letters of administration were granted to his son John, who set about the settlement of the estate. The property in Nova Scotia was deemed of sufficient importance to necessitate a continuance of William's presence there. In June or July, 1776, he loaded a schooner which he hired at Barrington with dry salt fish, and dispatched her to Boston. On her way thither she was captured by the State armed brig *Tyrannicide*, Capt. Fisk (who afterwards commanded the *Massachu-*

sette), and was taken into Dartmouth, Mass., where both vessel and cargo were condemned as a prize in a maritime court convened there.

We may easily imagine that these proceedings aroused the indignation of John Pitts. Indeed he made his displeasure so strongly felt that a committee, consisting of Benjamin Austin, Charles Cushing and Daniel Hopkins, were appointed by the Council to hear his complaint, and report the best method of proceeding in the matter. Owing to some legal technicality, however, the decree of the Maritime Court remained unchanged.—*See Council Records, Aug. 16, 1776.*

In the meantime William had accumulated another load of fish at Barrington, and was anxious to ship it to John at Boston. Accordingly, on the 29th October, John petitioned the General Court as follows:

*To the Honorable the Council & the Honorable the House of Representatives of the State of Massachusetts Bay:—*

The Petition of John Pitts humbly sheweth:

That his Brother William Pitts left this State in June, 1775, and went to Barrington in the Government of Nova Scotia to transact business of necessity, & is not able to return with safety from the peculiar circumstances of having his property lately seized & decreed forfeited by a Maritime Court as Nova Scotia property, he being deemed (by some strange construction of law or otherwise) an Inhabitant of Nova Scotia.

This will endanger his property in his return to this State, wch he is very desirous of. Your Petitioner therefore prays in his behalf that the Honorable Court would grant a permit & protection for his return with his property to this State. And your petitioner as in duty bound, &c.,

JNO. PITTS.

This petition was granted thus:—

IN THE HOUSE OF REPRESENTATIVES, Oct. 29, 1776.

*Resolved*, that the Prayer of the within Petition be granted; & that the sd Wm Pitts have leave to return to this State with his Effects & all Commanders of Privateers & other armed Vessels belonging to this State, are hereby directed not to impede or obstruct the sd William on his Return; but to afford him Assistance & Protection, (A) & that a Copy of this Resolve be given ye Petitioner for the Purpose aforesaid.

Sent up for Concurrence.

J. WARREN, Spkr.

In Council, Oct. 29th, 1776.

Read & Concurred with the amendment at A (Vizt) insert And the Commanders of all armed Vessels belonging to any of the United States of America are also requested not to impede or molest said Pitts.

Send down for Concurrence.

JOHN AVERY, Dpt. Secy.

In the House of Represent. Oct. 29, 1776.

Read & Concurred.

J. WARREN, Spkr.

*Mass. Archives, Vol. 210, p. 443.*

It is possible that William Pitts did not place very much confidence in the protection thus granted for his return to Boston, or else he saw a chance for a speculation, for he concluded to ship the fish he then had on hand to the French West India Islands, and to this end the Council passed an order permitting him to do so, and to import the proceeds of the fish into Massachusetts, invested in articles of clothing, naval and warlike stores, hemp, duck, salt or molasses.—*See Council Records, Feby. 12, 1777.*



For some reason not apparent, William Pitts changed his mind about shipping his fish to the West Indies, and on the strength of the permit of the Court of Oct. 29, 1778, he some time afterwards engaged another Barrington vessel to carry it to Boston. This vessel also fell a prey to an American ship of war,—this time a privateer—although under the protection of the General Court, as above. John Pitts, now thoroughly angry, took occasion to express himself to the Council in the form of a petition, viz.:—

*To the Honorable Council of the State of Massachusetts Bay.*

The Petition of John Pitts humbly sheweth

That some time past his Brother William Pitts sustained a considerable loss of property by a decree of a Maritime Court for being an Inhabitant of Nova Scotia Government, and he was then deemed by the subtle management of Lawyers & Greedy Captors, altho' a friend of this State and there through necessity only; a fate truly hard, but which your Petitioner hopes he will have redress for. Soon after your Petitioner applied for and received protection of the General Court for his return with his effects to this State, but such has been his situation that he has not been able to effect it; and very lately a Schooner with effects, belonging to him & the Family have been captured by an Armed Vessel, and libelled as subject to forfeiture: being desirous of procuring all possible evidence to prove and defend the property of the Family, your petitioner prays your Honors to Grant him liberty to send Capt. Richard Tutt in the Schooner Flying Fish to Barrington in Nova Scotia Government for the Purpose aforesaid and to bring up his Brother, with such remaining effects as he has belonging to himself and the Family which have not fell a prey to the Common Enemy. [Here Mr. Pitts originally indulged in a few remarks concerning the character of American privateers, which were not at all complimentary to them. The text has been crossed out with ink, and is for the most part illegible.]

Your Petitioner therefore prays in behalf of his Brother & the Family, that he may have liberty to dispatch the aforesaid Vessel for the purpose already express'd and that the Honourable Council would grant such protection from the rapacious disposition of Privateers & other Armed Vessels as your Honors shall think best. And as in duty bound shall ever pray.

JOHN PITTS.

Boston, May 16, 1778.  
In Council, May 16, 1778. }  
Read & Ordered, }

That the Prayer of this petition be granted, \* \* \* And it is hereby recommended to All armed Vessels belonging to the united American States, and the Armed Vessels belonging to this State are hereby commanded, to suffer the Said Tutt to pass & repass unmolested accordingly, with Such Effects of the said Pitts as he may bring from the Said Barrington.

Read & Accepted.

JNO. AVERY, D'y Soy.

## CHAPTER V.

*To the Honble the Council and Honble House of Representatives of the State of Massachusetts Bay, in General Court Assembled at Boston.*

**The Petition of Seth Barnes and James Killey  
Humbly Shew**

That your Petitioners are inhabitants of Yarmouth or Capersew in Nova Scotia Government where they have often afforded assistance to the Prisoners taken by the Navy & Army of the King of Great Britain, as may easily be made to appear. Notwithstanding their friendly disposition, the American Privateers have repeatedly been into their Harbours & Robbed their Vessels of almost all they had, and many of the articles so taken your pet'rs have reason to think were never Libelled in any Maritime Court.

That your pet'rs have Contracted Sundry Debts in this State which they are desirous of discharging, and they cant do it without your Honors leave for to bring their Effects here.

Your petitioners therefore humbly pray your Honours will be pleased to take their distressed Case into your wise and Serious Consideration, and that your honors would permit them to come up with their Property to Settle & pay their debts, and also that they may be allowed to return home Unmolested from any American Privateer. And that your Honors would be pleased to Grant them such other and further relief, after hearing what your Petitioners have to offer your Honors, as you in your known Wisdom & Goodness shall think they deserve.

And as in duty bound shall ever pray.

SETH BARNES,  
JAMES KILLEY.

Boston, Feb. 27, 1778.

*Mass. Archives, Vol. 217, p. 266.*

A committee of both Houses was appointed to investigate Messrs. Barnes and Kelley's application, and after hearing them reported to the Court as follows:

## STATE OF MASSACHUSETTS BAY.

**The Committee on the Petition of Seth Barnes & James Killey**

Beg leave to report State of Facts. It appears to your Committee that the said Seth Barnes, lying in a harbor near Cape Sable, in July, 1777, with no hands on board but three Prisoners & a Boy which belonged to Salem, with a design to convey them home, John Leach of said Salem, Commander of the Schooner Dolphin (privateer) Came on Board and after being treated in a friendly manner promised not to injure him, the said Barnes. Nevertheless, when said Leach was ready to Sale he Sent some of his hands on board said Barnes & took from him fifty weight of Tea. And also the said Leach in said July Chased the said Killey into gibogue harbor and after knowing him to be particularly friendly to the United States promised him impunity, but in the night sent his people on board and forceably took from him forty-five gallons of Brandy and One Doz. and four bottles of wine. And that Capt. Joseph Pitman of said Salem commanding a Small Privateer, on the 11th Day of December, last, took in a forceable manner from Amos Hilton, of Barrington near Cape Sable, the articles mentioned in the Schedule herewith Exhibited, altho he had a protection at the same time from the Honble Council of this State, All which is Humbly submitted.

SAML. NILES, pr. Order.

Your Committee begs leave to set again.

*Mass. Archives, Vol. 217, p. 267.*

The "Schedule" of articles taken from Capt. Amos Hilton does not appear, but the following relates to his "protection" from the Council:

*To the Honble the Council of the State of Massachusetts Bay:—*

The Petition of Isaac Smith humbly Sheweth that before the present Troubles Originated he had dealings with Sundry Persons at Cape Ersew, in the Province of Nova Scotia, and on the present Troubles Commencing, he had a Considerable Interest in the hands of several persons in said Cape Ersew, who are desirous of paying their Debts provided they could have Liberty to come unmolested into this State, your petition therefore humbly Requests your Honors would grant Liberty by a Pass to Amos Hilton, of Cape Ersew aforesaid, to bring any effects he may have into this State unmolested.

And your petitioner as in Duty bound shall ever pray.

ISAAC SMITH.

In Council, Aug. 4, 1777.

Read & Ordered that the Prayer of the above Petition be granted and that Amos Hilton, of Cape Porseau be & he hereby is permitted to bring any effects he may have there into this State & it is recommended to all Commanders of Armed Vessels & others belonging to this State to permit the Said Hilton to pass unmolested with his said effects.

JNO. AVERY, Dpy. Secy.

*Mass. Archives, Vol. 167, p. 141.*

The Resolve of the House of Representatives on the petition of Seth Barnes and James Kelley is too badly torn and faded to be entirely legible. Enough of it remains, however, to show that the prayer of their petition was granted, and that the Council was requested to furnish passports for their passage to and from Nova Scotia. Following is a copy of the Council's action:

STATE OF MASSACHUSETTS BAY, Council Chamber, March 2, 1778.

Pursuant to a Resolution of the General Court Passed this day directing the Council of the State Aforesaid to give Messrs Seth Barnes and James Killey, Inhabitants of Nova Scotia, Protections against the Privateers and Arm'd Vessels of this State, that they may come to the same with part of their effects & return home unmolested—Therefore

Ordered that All Commanders of Armed Vessels & others belonging to this State be and they hereby are directed to suffer the said Barnes & Killey to pass to Nova Scotia, and to bring their said Effects from thence unmolested and to return.

Read & accepted.

JNO. AVERY, Dy. Secy.

*Mass. Archives, Vol. 168, p. 194.*

William Lambert removed from Boston to Halifax soon after the battle of Lexington, and March 2, 1778, Caleb Hopkins petitioned the Court that Lambert be allowed to return, which petition was granted March 9 following.

The following chapter will illustrate the rapacious greed of the American Privateers on the coast, and their utter disregard for the mandates of the Government under which they were commissioned. The affairs of Messrs. Pitte, Barnes and Lambert became curiously entangled through the agency of two private armed schooners from Massachusetts, and several other Yarmouth and Barrington men became drawn into the matter before it was finally settled by the General Court of Massachusetts. We will let them tell the story in their own words.

## CHAPTER VI.

I, Joseph Homer, of Lawful age Do Testify & declare that on Tuesday Evening, the 19th day of May last, then lying in the Harbor of Liverpool in Nova Scotia, in the Schooner Dove, Prince Doane, Commander, between 11 & 12 o'clock at night, was boarded in a hostile manner by a boat belonging to the Schooner Washington, Capt. Preston, of Newbury, he being in the boat.—The said Capt. Preston took me from on board the Dove & carried me on board said Schooner Washington, where I was kept all night. In my absence said Schooner Dove was plundered of six bolts of Duck, about Twenty Weight of Tea and Sundry other valuable articles being the property of William Lambert of Halifax who had permission of Court to bring all his effects to Boston, I having signed Bills of Lading for that purpose.

Upon Thursday Evening, 4th June inst., then lying in the Harbor of Barrington, in Nova Scotia, in company with the Schooner Susannah, Caleb Turner, Master, the aforesaid Capt. Preston, in company with John Blackler, commander of the schooner Lizard, belonging to Boston, boarded and took possession of the Schooner Susannah as a Prize. One or two days before this Mr. William Pitts began to load said Schooner Susannah with Effects, for Boston, he having permission of Court therefore. On Friday morning said Pitts went on board with what other of his effects he could carry in the boat after having expostulated with said Blackler for taking away his schooner, having shown his permission of Court to him, but said Blackler insisted upon taking & carrying her away as a Prize.

After having arrived in Shag Harbour, said Pitts being then on Board, said Schooner was detained till Sunday morning, from thence they proceeded to Tusket Islands, where they were detained until Monday, and from thence they proceeded to Tabogue. All this time a fair wind to sail for Boston to which place said Schooners Dove and Susannah would have sailed as soon as they could have loaded them, which would have been in two or three days.

On Tuesday Evening said Pitts was sent on Shore with his Chest, Trunk & Bedding, they having first searched them. After having been set on shore he was remanded on Board again and detained all night without bed or bedding. On Wednesday he was again put on shore, said Privateers being then under sail bound out in Company with their Prizes.

After this, Said Pitts in company with Capt. Barnes of Yarmouth, who had also a permission of Court to bring away his Effects, with your deponent, hired a small schooner, being deprived of their Vessels, and sailed on Sunday following for Boston. On Wednesday Evening they were again boarded by said Blackler, then lying in Mosquito Harbour, in this State & four Men with Arms put on board threatening to put us on Shore on Montegia Island, on which there are but two families living. On Thursday Morning sd Blackler came on Board & informed us we might tarry on board saying he did not like to harass & trouble people. Afterward one more man was put on Board us as a further Guard—After which we were ordered to Cape Ann—At which place I left them without their knowledge, Blackler having ordered us to be detained as prisoners on board.

Upon my arrival at Boston I applied to Mr. Pitts Brothers in compliance with his particular desire to acquaint them of the usage he had received. The large Vessel that [has] said Pitts Effects on board is not arrived.

The morning after they took possession of Mr. Pitts Schooner, Capt. Blackler having agreed with me to go as far as Shag Harbour (not daring to refuse) there to take in 200 small arms to be delivered to Captain Adams at Boston, Blackler having given his Word & Honor that I should return with the said Schooner Dove to Barrington without being detained, which he afterwards refused and carried her off as prize.

Your Deponent further declares that having been put on shore at Liverpool, I saw a man in the morning after belonging to the Lizard\* privateer have my Hatt on that was taken from on board the said Schooner Dove the Evening before. He told me to come down to the boat and he would give it to me. After I had come to the boat he told me I must go on board to the Capt. Upon which I got into the boat which was immediately put off. After she was a small distance from the shore the Hatt I then had on was taken off by John Redding, now Prize Master of the Schooner Dove, telling me it fitted him better than it did

me. I was carried on board the Lizard\* bare headed as I was. After this Robert Card of Marblehead attempted to rob me of my Buckles & Shoes & Handkerchief on my neck & otherwise abused me in too many instances to mention. After Mr. Pitts and Capt. Barnes were taken they were abused most shockingly.

Your deponent further says that upon the permissions of the Court being shown to the said Capt. Preston & Blackley they treated them with the greatest contempt imaginable & said their laws were from Congress & further your deponent says not.

JOB. HOMER.

MIDDLESEX S. S., June 24, 1778.

Personally appeared Joseph Homer and after being duly cautioned, made solemn oath to the truth of the foregoing Deposition by him Subscrib'd before

A. FULLER, ) Justices of the Peace &  
T. BROOKS, ) Quorum Unis.

Mass. Archives, Vol. 184, p. 5.

I, Seth Barnes, of Lawful age, do Testify & Say that on Monday, the Eighth Day of June, 1778, Capt. Preston of Newbury, Commander of the Armed Schooner called the Washington, came up the River of Tabogue about four miles with his Boat manned & armed where my Schooner lay haul'd up by the Marsh Strip'd of her Sails & Rigging which were then in one of our neighbour's Houses.

The sd Preston came up to my house and asked me who owned the Schooner. I answered him I owned the Schooner. He told me his orders were to see my papers. I shewed him my Protection which I had from this Honble Court. Sd Preston answered By G—d you have all got Protections of the Court, and you are all Concerned together; and he, the sd Preston Treated your Authority with great Contempt & Disdain and told me he was under laws of Congress. I asked him to shew his Orders to me. He said he would shew them to no man, but the Schooner he would have if he lost his life in the attempt and demanded the Sails and told me he would burn the Schooner & every house but that he would have them. I told him he need not do that, s—d for fear of Disturbing my neighbors, and Relying on the Strength of my Protection, I told him where the Sails were. He went himself and his men, and took them away and carried them on Board and Hove out the Hay that was on board, some into the River and some on the marsh, that she might Float on the Top of the Tide, Cast off her Fast and haul'd her off.

As Capt. Preston told me I might come up to this State in her, as I desired, went on Board, but the Insults I received that night made me afraid to come with them & at One O'clock the next day hired a small schooner to bring us up to this State, when I, said Barnes, put on Board 50 Quintalls of Codfish, 140 lbs Beaver, one Bolt & half of Russia Duck & the third Day we set sail for Newbury, and on Wednesday, the 17th of June we arrived at a Harbour in this State called Mosquito Harbour, where we met with John Blackley In the Schooner Lizard, when he immediately came on Board us and said he was glad we had come across him and said he would put four men on Board and that he would put us on Shore the morning on Monhegan Island which is Desolate & sent his Men on board armed. Demanded my Papers and my Chest to be opened. I told him my papers were from the Court which I had shewn him before, he said I care nothing about them & Robbed me of a bolt and half of Russia Duck which was in my Chest. The next morning came to Sail after some talk about going on Shore & in Two Days after we arrived in Winter Harbour with sd Blackley, when they were very frequently on Board One & Another, and their Common Talk was that they could get any vessel condemned for ten gallons of Rum & the next day went to Cape Ann with said Blackley where he Ordered Our Prize Master to see that none of us went on Shore or run away, the next day we arrived at Marblehead. One Picket belonging to Blakely came off and told us the Captains Orders were that none of us, Viz: the Prisoners, should go on shore nor none must be allowed to speak to us. The said Barnes desired to have liberty to send to my Brother who was there to bring or send me some money that I left with him, the last Winter. The Prize Master said I should not when I said Barnes answered it was very Well. The next day we arrived at Boston which was the 24th of this Instant June where we were forbidden to go on shore where they have detained our Chests & Cloathes, & I, said Barnes, was Insulted by one John Walters & one Wood who called me a D—d Old Robber & Thief, & said we had all come up after Our Interest &

\* Evidently an error; the Washington was probably meant.

Swore they would burn & destroy all the Interest I had & would be revenged for our coming up. They said it was going to be peace, but they would turn Pirates lest they should not get Revenge, & Said Walters swore he would split my Brains Out with a Tiller on which he then Sat and in many other things too numerous to repeat & further saith not.

SETH BARNES.

Boston, 3 July, 1778.

MASS. STATE, SUFFOLK COUNTY, Boston, July 3, 1778.

Seth Barnes, after being examined and duly cautioned, made oath to the truth of the afore written Declaration, by him Subscribed, taken at his request.—*In Perpetuum Rei Memoriam.*

SAML. PEMBERTON, } *Justiti Pacis et Quorum.*  
JOSEPH GARDNER, }

Mass. Archives, Vol. 144, pp. 186-8.

I, Waitstill Lewis, of Lawful Age Do testify and Say that on or about the 4th June, 1778, Being engaged to come to this State with Mr. Joseph Homer, in the Schooner Dove, He, the Deponent heard Capt John Blackler of the armed Schooner Lizard, promise and agree with Mr Joseph Homer to put on board said schooner a number of small arms to bring to this State, promising him that he should return to Barrington after taking on board said Arms, there to take in the Effects of Mr. Pitts & Homer, then remaining at Barrington, and then to proceed to this State, which was not complied with, but carried of Said Schooner with Mr. Homer as Prisoner on Board to Tabogue, 15 leagues distant from Barrington, where said Homer in company with Mr Pitts were put on shore, after being Detained as prisoners on board a number of Days and threatened to be turned on Shore at several places in order to prevent their coming to this State to get their property, and after searching said Pitts' Baggage and much abusing them, left them at Tabogue, the Deponent being then passenger in the Schooner Susannah and further saith not.

WAITSTILL LEWIS.

Boston, 3 July, 1778

MASS. STATE, SUFFOLK COUNTY, Boston, July 3d, 1778.

Waitstill Lewis, after being examined and duly cautioned, made Oath to the Truth of the foregoing Declaration by him Subscribed. Taken at the request of William Pitts of said Boston, Merch't and of Joseph Homer of Nova Scotia, Mariner, *in perpetuum Rei Memoriam.*

SAML. PEMBERTON, } *Justiti Pacis et Quorum.*  
JOSEPH GARDNER, }

Mass. Archives, Vol. 144, pp. 188-91.

A similar affidavit was made by Peter Coffin, who was also a passenger on the Dove, bound for Boston at the time of her seizure.

I, Ebenezer Corning, of Lawful age Do testify and declare that on or about the 10th of June, 1778, Messrs Seth Barnes, William Pitts & Joseph Homer came from Tabogue to Cape Forchew and hired of your deponent a small schooner to transport them to this State with some of their Effects, and after a number of days put into Mosquito Harbor, in this State and was there Boarded by John Blackler Commander of the Armed Schooner Lizard, and four men with Arms, ordered on board by said Blackler who said he was D—d Glad he came athwart of us, and that we were a fine Prize to him. Said Blackler said that he would put Barnes, Pitts and Homer on Shore; was asked where; he said on Monhegan Island, and after Searching, Robbed and took from out said Barnes Chest One Bolt and one half of Duck, and left us in Custody of said armed men. the next Day they Proceeded for Cape Ann, but put into Winter Harbour. your Deponent being on shore with said Blackler, heard him say that he wished to G—d he could find a Vessel bound to the Eastward, he would put them D—d — — on board of her, Barnes, Pitts and Homer. Then proceeded for Cape Ann and saw said Blackler coming out, who hailed us, and ordered one Brown, the Prize Master of us to come to Marblehead the next morning, and to take care of the Prisoners not to let them go on shore. The next day arrived at Marblehead, said Brown the Prize Master

went on shore and brought on board one Moses Picket, who said he had orders from Capt. Blackler not to let the prisoners go on shore, and no one to come on board to give them, the prisoners, any advice, and said he had an old Father, a Committeeman, and that he could write any Declaration and he would sign it, which would be as good as any other Committee Man or Councillor, and after much abuse arrived at Boston, and after being detained prisoners three or four hours, was ordered by the Agent to the Ferry ways, and after much abuse and threatening to kill and Drown us, Mr. Pitts's brother came down and asked said Agent if he meant to detain his Brother as Prisoner, who answered he might go on shore if he would see him forthcoming. Then said Pitts asked for his Baggage But was refused them by the Agent who said nothing shall go out of her, and Further saith not,

EBENEZER CORNING.

Boston, 3d July, 1778.

Sworn before Saul. Pemberton and Joseph Gardner, Esquires.

The Privateer Schooner Lizard, of Boston, was owned by Thomas Adams. She was of about 30 tons burden, and mounted 6 carriage & 8 swivel guns. She carried a crew of 25 men, commanded by Capt. John Blackler and Lieut. Hendley.

*Mass. Archives, Vol. 168, p. 231.*

The privateer schooner Washington, Capt. Wm. Preston commander and owner, John Avery 1st Lieut., was of 50 tons burden, mounted 6 2 and 3 pounder carriage and 10 swivel guns, and manned by a crew of 35 men. She was commissioned by the Massachusetts General Court, Sept. 6, 1777 (See Archives, Vol. 167, p. 201), and, to put it mildly, when Capt. Preston declared himself subservient only to the laws of Congress, he failed to emulate the example set by his vessel's namesake, of truthful memory.

*To the Honble the Council of the State of Massachusetts Bay:*

The Petition of Ebenezer Corning belonging to Capersew in the Province of Nova Scotia Humbly Sheweth:

That on his Passage from Cape Sew with Passengers on board bound for Newburyport, he was taken by the Privateer Schooner Lizard, John Blightly commander and carried into Cape Ann, from thence to Marblehead & from thence to Boston, but as his said vessel is not subject to Forfeiture, he is desirous with your Honors leave of returning home in her, and to induce your Honors to indulge him your petitioner begs leave to say, That he has during the present War aided and assisted all the American prisoners that were bro't in there, and has brought off several Freights of them and landed them in this State.

He therefore humbly prays your Honors would be pleased to grant him Liberty to go with his Vessel from Boston to Caper Sue where he belongs, and that he may be allowed to carry some Provisions for his Family's use.

And as in duty Bound shall ever pray, &c.

EBENEZER CORNING.

Boston, July 3, 1778.

N. B. Schooner Swallow, 18 tons.

The Subscriber testifies that the above mentioned Ebenezer Corning has been very kindly conveying Prisoners from Halifax, to this State and as it has been in his power to render service to the American States in this way, there is no doubt he will continue so to do whenever in his power, and hopes the Honble Council will grant his request of returning to Nova Scotia with his Vessel & some Provisions for his Family.

WILLIAM PITTS.

Boston, July 3, 1778.

A similar paper to the above was signed by Seth Barnes and Joseph Homer. Quite naturally, the Hon. John Pitts, who was now a member of the Council, became actively engaged in the affair, and used his influence in behalf of his brother's fellow sufferers. Although he was unable to be present when the Council took Capt. Corning's petition into consideration, he requested the good offices of his friend, Hon. Benj. Austin, one of the Council, in Capt. Corning's behalf, thus:

DEAR SIR:

I am necessarily detained from being with your Honors—should therefore take it as a favor if you will introduce Mr. Cornell's [Cornell's] petition to the Hon. Board. It was presented before Dinner.

I have no doubt of the good character of the man & that it will be no more than an act of Humanity to Grant his Petition.

Yours, &c.,

6 O'Clock.

JNO. PITTS.

To the Honble Mr. Austin.  
COUNCIL CHAMBER.

Read & Therefore Ordered that the prayer of the same be granted and that the said Cornell have, and he hereby has Liberty to depart this State in his Schooner Swallow to Yarmouth, in Nova Scotia, and to carry with him Provisions for the use of his Family—And all Commanders of all armed Vessels and others are hereby commanded to suffer the sd. Cornell to pass unmolested Accordingly.

Read & Accepted.

JNO. AVERY, D. Secy.

In Council, July 4, 1778.

Mass. Archives, Vol. 168, pp. 432-3.

To the Honble Council of the State of Massachusetts Bay:—

The Petition of William Pitts humbly sheweth that some time past he had permission of your Honors to bring to this State his effects from Nova Scotia & at the time he was loading his effects in the Harbour of Barrington for that purpose and had got only a part of his effects on board said Vessel, a Privateer commanded by one Blackler entered the said Harbour and took possession of said Vessel & Effects as a Prize notwithstanding he knew of the protection of your Honors, which was treated with great contempt & would not permit him to take on board the remainder of his effects, by which means your Petitioner has a considerable value in Fish and other articles left in Nova Scotia. Your Petitioner therefore prays your Honor's to grant liberty to Capt. Joseph Homer to go to Nova Scotia to bring up said effects in a Vessel now belonging to your Petitioner, and who as in Duty bound will ever pray.

WILLIAM PITTS.

Boston, July 17, 1778.

Mass. Archives, Vol. 169, p. 3.

This petition was granted in Council on the same day.

STATE OF MASSACHUSETTS BAY.

To the Honourable, the Council of the State aforesaid:

The Petition of Seth Barnes of Nova Scotia Humbly Sheweth, that your Petitioner has had his Vessel brought out of there harbor into this State against the order of this Honourable House, which protection your Petitioner received the 2d day of last March, and now humbly prayeth that your honors would grant sd Petitioner Liberty to carry such necessities for his family youse as he may need, and protection against the armed Vessels of this State to go home & to return back to this State with so much of his effects as may inabel him to Discharge Sundry Debts Dew to this State.

SETH BARNES.

Dated Boston, July 29, 1778.

In Council July 29, 1778—Read & Ordered

that the Prayer of this Petition be so far granted that Seth Barnes be and he hereby is permitted to depart this State for Nova Scotia in a small Vessel bound there and has Liberty to take on Board said Vessel One Bl Flour and one Cask Rice only, for the use of his Family.

And the Commanders of All Armed Vessels & others belonging to this State are hereby



Commanded to suffer the Said Seth Barnes to pass to Nova Scotia with his Vessel & Sail Flour & Rice unmolested.

Read & accepted,

*Mss. Archives, Vol. 169, p. 45.*

JNO. AVERY, D. Secy.

From the above it is evident that Messrs. Pitts and Barnes had their property restored to them, although in what manner does not appear. Possibly the captors of their vessels, realizing the illegality of their position, turned the property over to its rightful owners without any contest. If the cases were tried in any Maritime Court, no record has been saved. Indeed, the records of nearly all the prize cases during the whole period of the war have been lost or destroyed, and only a few have been preserved.

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## CHAPTER VII.

In accordance with the permit granted to William Pitts by the Council of Massachusetts July 17, 1778, his attorney, Capt. Joseph Homer, returned to Barrington, where he engaged a vessel, which he loaded with three hundred quintals of fish and other articles belonging to the Pitts estate. The vessel was not large enough to take all the merchandise belonging to the Messrs. Pitts, and William accordingly petitioned the Council (Oct. 20, 1778,) for further permission for Capt. Homer to return for the remainder, which petition was granted.

William Pitts never returned to Nova Scotia. He died in Boston Oct. 22, 1780, at the age of 36. The affairs of the family in Yarmouth and Barrington at the time of his decease were still in an unsettled condition, although Capt. Homer had been two years engaged in trying to adjust them. A few weeks prior to William's death his brother John assumed the management of the business, retaining Capt. Homer in his employ. He petitioned the General Court (Sept. 11, 1780,) as follows:

*To the Honourable Council & House of Representatives of the State of Massachusetts Bay:*

The Petition of John Pitts humbly sheweth

That in consequence of a large trade which was carried on by the late Father of your Petitioner in the Government of Nova Scotia, The Family now have a considerable Interest there, part of which consists of real Estate, as will appear by the Deeds and which is going to ruin every day. Your Petitioner prays your Honors that his Attorney, Joseph Homer may have the protection of this Court to bring up the proceeds of the real Estate, which he is ordered to dispose of, and also of several Securities in Money, Fish, or such articles as he can procure, to prevent a total loss of the Interest aforesaid, great part of which has already been lost in a vexatious manner.

And your petitioner as in duty bound will ever pray.

JNO. PITTS.

This petition was granted on the 15th, and Joseph Homer was given permission "to bring into this State from Cape Persus & the Town of Barrington \* \* \* Any Effects he has in his hand, being The Property of the Heirs of the late Honble James Pitts, Esqr., Deceased, in Salt, Cash or fish, and all Commanders of Armed Vessels," &c., &c.

Capt. Homer appears to have terminated successfully the business of the Pitts heirs, as no further mention of the matter is found. But John Pitts did not forget the people of Barrington and Yarmouth, into whose affairs and situation he had gained an insight, and that he often used his powerful influence in their behalf will in several instances appear.

\* \* \* \* \*

On the 7th of July, 1777, the brigantine Rising Sun, Capt. Malachy Salter, of and from Halifax, bound for Bermuda, was captured by the privateer schooner Dolphin, Capt. John Leach, and was sent into Salem, where she was tried and condemned in the Maritime Court convened there on the 14th following. She was a vessel of one thousand tons burden, and at that time must have been considered quite a monster. A full record of her trial has been preserved (Mass. Archives, Vol. 159, p. 168), one of the very few instances where Prize Court records have been saved.

It is possible that Capt. Salter was detained in Boston as a prisoner of war. If such was the case, his motives in petitioning the General Court as follows are easily conjectured.

*To the Honble the Council of the State of Massachusetts Bay, in New England, and to the Honble House of Representatives for said State:*

The Petition of Malachy Salter humbly sheweth,—

That your Petitioner was formerly an inhabitant of the Town of Boston, but has for many years past resided at Halifax in Nova Scotia where he has a considerable Interest in real and personal Estate, but having Suffer'd severely, both in person & property on account of his political principles, and for the favor and assistance he afforded to the American Seamen & Others in Captivity there, his residence in that Province must render him very unhappy;

Your Petitioner therefore humbly prays that he may have liberty to depart for Halifax, and return as soon as he conveniently can, with his family & Effects, to Settle in this State, without molestation of any Armed Vessel, or any other person by land or Water, belonging to the United States of America, and that your Honors will be pleased to grant him a Certificate for his protection, and your petitioner as in duty bound shall ever pray, &c.

MALACHY SALTER.

Boston, Sept. 15, 1777.—*Mass. Archives, Vol. 183, p. 136.*

The above petition was granted, thus:

STATE OF MASSACHUSETTS BAY, Council Chamber, Sept. 15, 1777.

Upon the Petition of Malachi Salter praying for Liberty to depart this State for Halifax, and return with his Family and Effects to Settle in this State:—

Read and ordered that the Prayer of said Petition be granted, and that the Petitioner have and he hereby has Permission to proceed to Halifax for the Purpose of Bringing his Family and Effects from thence into this State, and it is hereby recommended to all Commanders of Armed Vessels and others to suffer the said Capt. Malachi Salter to pass from this Port to Halifax and from thence to Boston in the State of Massachusetts Bay without Molestation or hindrance.

Sent down for Concurrence.

JNO. AVERY, D'y Sec'y.

In the House of Representatives, Sept. 17, 1777.

Read & Concurred.

J. WARREN, Speaker.

\* \* \* \* \*

*To the Honble Council of the State of Massachusetts Bay:*

The Petition of William Greenwood humbly sheweth that at the request of Capt. Littlefield Libby and his crew being 21 in Number, who were Drove on Shore by one of the Enemies Cutters, and after burning their Privateer fled to the Woods for Shelter, and having travel'd 17 Legues, in Great Distress to Barrington, in Nova Scotia, in Cape Sable, East Passage, where your Petitioner lives, undertook to convey them to N. England in his Vessel, a Schooner—of about 45 tons burthen, named Sally, which they purchas'd to convey them over the Bay, and having no way to get to N. England, and the Inhabitants there not able to support them. Your Petitioner, by the ad Capt's advice and at the request of the Inhabitants took on Board a few Quintals of fish which was sent by many different families; some bushels of Salt; and some Oil for the purpose of purchasing some Corn in N. England for Bread, for the poor Inhabitants of Barrington.—Your Petitioner therefore humbly prays your Hon'r to permit him to sell the same, and purchase some Necessaries, of eatables, and to carry the same to sd Barrington, in the sd Vessel. Your Petitioner also bro't up one of Capt. Fullerby's men and three more who belong'd at Boston, who have made their escape from Halifax, and can assure your Hon'rs he has done all in his Power to Assist Prisoners during the present War.—Your Honors granting the above Prayer will serve not only your Petitioner but hundreds who wish well to the American Cause.

And as in Duty Bound will pray.

WILLIAM GREENWOOD:

Salem, Oct. 27, 1777.—*Mass. Archives, Vol. 167, p. 380.*

This may certify that the Facts set forth in Capt. Greenwood's Petition to the Honble Council are strictly true; and that during my stay in Nova Scotia after the unhappy Loss of my Vessel, I and my distressed People received great Civility and uncommon kindness from the Inhabitants; and had not Capt. Greenwood consented to bring us to New England, we must have suffered beyond expression—having lost a Boat we purchased by selling our Shoe Buckles, Thirty small arms and the money we had with us. The sd Greenwood is a hearty friend to America, and must run a great Risk in what he has done and in assisting any whom the cruel Enemy unjustly Stile Rebels.

LITTLEFIELD LIBBY, Capt.

Salem, Oct. 28, 1777.

The petition of William Greenwood was granted in Council, Oct. 31, 1777.

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## CHAPTER VIII.

*To the Honble the Council & house of Representatives of the State of the Massachusetts Bay, in General Court Assembled:*

Humbly Shews David Corning of Yarmouth within the Government of Nova Scotia that having, with a Disposition to serve the General Cause of the United States of America as likewise to relieve the Unfortunate & Distressed, brought numbers of the Inhabitants of the United States aforesaid, who having been Prisoners at Halifax had escaped to Yarmouth aforesaid, into the State of Massachusetts Bay, & having received from said Prisoners a Gratuity for such favors in the Currency of the United States which will nothing benefit him in the Government of Nova Scotia—And that by the Laws of the Massachusetts State he is prohibited from carrying Provisions or Produce of any kind into the Government of Nova Scotia, whereby your Petitioner has a Currency upon his hands within the State of Massachusetts Bay that cannot advantage him as an inhabitant of Nova Scotia (tho friendly and assisting to the Cause of Liberty and the United States) without the special interposition of the Government of the Massachusetts—In this Predicament your Petitioner humbly requests the honble Council & House to grant him Liberty of purchasing a quantity of Pork, Corn & Cyder for the use of his family in Nova Scotia, & to furnish him with a safe conduct for the same.

And as in duty bound shall ever pray.

DAVID CORNING.

A counterpart of the above petition, in behalf of Ebenezer Porter, was received by the General Court at the same time.

CAPE PORPOS, (Kennebunkport) Nov. 21, 1777.

These are to Certify the Honorable Committee of Newburyport that the bearer Ebenezer Porter, Capt. of the Shallop Elizabeth has Brought me and my two boys from Halifax the said Porter has treated me Very Well, but having Opportunity to proceed Directly to Boston I have taking a Passage in a Schooner. Shall beg the favour of the Honourable Committee to Treat the said Capt. Porter Well as he Whants some Corn to carry to Yarmouth to sum of our Good Friends there & in so doing Youll Oblige yr Humble Servt John Grimes Commander of the Tartar Privateer out of Boston.

STATE OF MASSACHUSETTS BAY, in the House of Representatives, Dec. 3, 1777.

On the Petition of David Corning of Nova Scotia, who brought a number of our Prisoners from that to this State, praying for leave to Carry back with him a Small Quantity of Provisions & to have a Protection for the Same,

*Resolved* that the Committee of Corrispondence Inspection & Safety of Newburyport, be & they are, hereby directed to Suffer David Corning to purchase & take on board his Schooner Boat, Called the Lydia, Bound to Nova Scotia, One hundred & fifty bushels of Grain, Five Barrels of Pork & Eight barrels Cyder, and no more. And the Honble Council of this State are hereby desired to Grant a Protection to the Said Corning for the purpose aforesaid.

Sent up for Concurrence.

JOHN PITTS, Spkr. pro tem.

In Council Dec. 3, 1777.

Read & Concurred.

SAMUEL ADAMS, Sec.

A similar resolution was passed by both houses upon the petition of Ebenezer Porter, and passes were issued Captains Corning and Porter by the Council on the following day.

*Mass. Archives, Vol. 183, pp. 283-9; also Vol. 216, p. 69-70; also Vol. 174, p. 7.*

\* \* \* \* \*

*To the Honourable the Council and the Honourable the House of Representatives of the State of Massachusetts Bay in General Court Assembled.*

The memorial of Solomon Ryder of Yarmouth in the County of Queens County and Province of Nova Scotia, Mariner, humbly Shews—That on the twentieth day of December last in a boat of his burthened about twelve Tons he sailed from Liverpool in said Province to transport five subjects of this State, who were prisoners there, into this State—that he arrived in Newbury Port within this State, having transported those prisoners hither, on the twenty-fourth of this Instant; that he brought with him four hogsheds of Salt to lay out here; that the inhabitants of Yarmouth aforesaid are in a destitute starving condition for want of Bread-Corn,—that they have been deprived of it almost all this winter, subsisting themselves on potatoes. That said inhabitants are extremely well disposed to the Cause of the United States having emigrated from New England.—That they treat all the American prisoners which can get there, with the utmost kindness and humanity so far as lies in their power,—tho' at the same time destitute themselves of many of the necessaries of life. Wherefore your memorialist humbly prays that your honours would take the facts aforesaid into your wise consideration, would compassionate the situation of your memorialist and of said inhabitants, and in some measure to relieve their distresses would permit your memorialist to purchase within this State a quantity of Indian Corn not exceeding one hundred and fifty bushels, & export the same from Newbury Port aforesaid to said Yarmouth for the use of the inhabitants thereof, and would give directions to the Naval Officer for the Port of said Newbury Port to give him the necessary papers therefore, And as in duty bound shall ever pray, &c.

SOLOMON RIDER.

Newbury Port, 31 Jan'y, 1778.

FALMOUTH, 12th Jany 1778 this is to Certifie that Solomon Rider brought us the under Subscribed from Halifax as Prisoners therefore bigs Live to Recomend him as a frind to the united states of America.

To all Whom it may Concern

Pr.

JAMES ROSS,  
ARTHUR MCULELLAN,  
J. PAYSON,  
M. JOHNSTON,  
WM. SOWARD.

*Mass. Archives, Vol. 183, 1 p. 384-6.*

The above petition was granted on the 5th February, 1778, and Solomon Rider was permitted to transport to Yarmouth a quantity of grain in his schooner, the Seaflower. The measure was signed in the House of Representatives by John Pitts, "Speaker pro tem." On the day following Capt. Ryder again petitioned the Gen Court, this time for leave to remove his family and effects to Massachusetts, which petition was granted on the 9th. As Capt. Ryder did not return with his family to New England, it is evident that he used the pass for that purpose in the manner already set forth in the introduction to this series.—*See Mass. Archives, Vol. 183, p. 397; also Vol. 217, p. 97.*

*To the Honble the Council & Honble House of Representatives of the State of Massachusetts Bay:*

The Petition of Jonathan Jackson & John Bromfield both of Newbury Port Sheweth—

That Several years before the Commencement of the present War, Mr. John Barnard of Yarmouth, in Nova Scotia, had contracted a large Debt with your Petitioners, which they

have been endeavoring to recover, ever since the present troubles, but have succeeded only in a small part. they are lately informed that said Mr. Barnard is lost up the St. Lawrence River and has left Effects in the hands of his Brother Benjamin Barnard at said Yarmouth.

Your Petitioners therefore pray the Permission of this Honble Court that any Effects sent by the said Benja Barnard, or Otherwise belonging to the estate of the said John Barnard sent for the Purpose of discharging the Debt due to your Petitioners may have free passport to this State & Protected from all Interruption from any Armed Vessels under the control of this State—And your Petitioner as in duty bound will ever pray, &c.

JONA. JACKSON.  
JOHN BROMFIELD.

Newbury Port, 5 March, 1778.

This petition was granted March 9th following.—*Mass. Archives*, Vol. 217, p. 320-1.

MARBLEHEAD, April 1st, 1778.

To their Honor's the worthy Members of the Great and General Court of Massachusetts Bay, holden in Boston, in New England:

GENTLEMEN,—

Your Petitioner John McGray of the Town of Yarmouth, Nova Scotia, now a Prisoner, taken and captivated by the Crew of the schooner *Terrible*, of Marblehead, Capt John Conaway (Connaway) Commander, am so far from being an Enemy to the United States of America that upon examination I trust I shall prove, at least be construed a true Friend and well wisher to them in every respect. witness the many instances wherein I have to the utmost of my power exerted myself for the support and enlargement of many of them since the Commencement of this unnatural Contest, between Great Britain and these States, even to endangering my own Peace and Interest. sundry times at Hellifax I have secreted and brought away six or seven of them at a Time, many of them I have concealed and supported at my house; attended and supported some that were sick; some I brought over to St. Johns; others I brought away and landed them at Casco Bay. A few of the many I have served in some one of the above mentioned ways (they being at least Eighty in all) among which number are Capt. Crawford, of Rhode Island, Capt. Graften, of Salem, and his Crew; Capt. Dounce, Capt. Salter, Parker Tizenton, John Bowden, William Davis, John Brown, and Capt. Furnis and his Crew, I maintained Twelve Days at my house. And when the American Privateers come in or sail out of our Harbour I readily and willingly supply them with whatever lays in my power; my house is and ever hath been an Asylum for the distressed and a magazine for the needy Americans, as opportunity from Time to Time presented; which is so notorious that I need not have condescended to particulars to prove my Assertion (assertion).

Now since your Clemency hath extended to many in similar Circumstances, I trust you will rank me among your invariable Friends; and as your own attachment to Justice and Humanity inclines you to patronize the injured and reward the meritorious. Your supplicant humbly prays that you will restore him his Liberty and Property, and grant him a permit to return home with it; and would graciously be pleased to grant him a pass from under your own Hands and Seals that shall in future screen him from the reprisals of any American Armed Vessel or Vessels. hereby you will lay new obligations on, and very much oblige, Gentlemen, your honors most humble and obedient Servant,

JOHN MAGRAY.

To the Members of the Great & General Court afores'd.

May it please your Honors to indulge me the Liberty somewhat further to enlarge upon my former plea, tho here I would not be understood by this to retract from my former, but in order to ratify, and Confirm it, John Bowden and Joseph Curtis I brought from Hellifax where they were in great fear and danger of being discovered, and John Drown we supported in the whole of his Sickness of the Small Pox. I would not have given you further trouble but these being on the Spot and desiring to give proof of their Generosity if they by any means could serve me by attesting hereto in favor of your Honor's humble servant

JOHN MCGRAY.

Attested to by us  
JOHN DROWN,  
JOSEPH CURTIS,  
JOHN BOWDEN.

We the Subscribers can attest to many (if not all) the benevolent deeds above mentioned and performed by your Petitioner and join with him in his Prayer.

JOHN DROWN and 138 others.

NOTE.—John Magray was an inhabitant of Marblehead prior to his removal to Yarmouth in 1774. His captivity, therefore, was among friends, which accounts for the large number of signatures attached to his petition. The document itself is elegantly written and compares very favorably in appearance with any other similar paper in the Archives. It was evidently written for Capt. Magray by a clerk, and very strong sentiments expressed in this, as well as in other petitions from Capt. Magray, should be read *cum grano salis*.

STATE OF MASSACHUSETTS BAY, in the House of Representatives, Apr. 8, 1778.

On the Petition of John McGray, an inhabitant of Yarmouth, in Nova Scotia, now in this State, taken & captivated by the crew of the Schooner Terrible, of Marblehead, Capt. John Conway Commander, praying for Liberty to return to Nova Scotia with his Effects, &c.

It appearing to this Court that the said Magray has approved himself friendly to the United States of America by relieving many of our Prisoners while Captivated by their unnatural Enemies—Therefore be it

*Resolved* that the Prayer of the sd Petitioner be so far Granted as that the aforesaid McGray have leave to return to Nova Scotia with his effects as soon as may be & it is hereby recommended to the owners & captors of the aforesaid Schooner to deliver to the Said McGray all his own private Venture, and the Commanders of all armed Vessels belonging to this State are hereby directed to suffer sd McGray to pass, etc., etc.

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## CHAPTER IX.

Massachusetts Bay.

BOSTON, March 4, 1778.

*To the Honble the Council & the Honble the House of Representatives of said State.*

Humbly Sheweth STEPHEN BLANEY; That on the 25 April 1775, he Removed with his family from Marblehead to Yarmouth in Nova Scotia (first obtaining Liberty from the Selectmen of said Town for that purpose) at which place he has Resided till the present Time, always making it his constant Study to afford every Assistance in his power to any of his Countrymen who have from time to time made their Escape from Enemy, as may be made to appear by many witnesses now in this Town, Particularly Cpts Olney & Grimes — Your Petitioner, being now Desirous to Return to his Native Country, prays Your Honours would Grant him Permission to remove his family & effects from Nova Scotia to Marblehead, & to grant him a Safe Passport for that purpose, & he as in Duty Bound will ever pray

STEPHEN BLANEY.

BOSTON, 21st Feb'y, 1778.

This may certify to all whom it may concern—That I the Subscriber late Commander of the Continental Brigantine the Cabott after being forced ashore by the Enemies Frigate the Milford at Jeboge, On my way from there fell in with Mr. Stephen Blaney of Yarmouth at Cape Pernaue who very kindly relieved and assisted me & my people in getting away from that place—And in all his Behaviour he appeared truly friendly to this Country.

JOSEPH OLNEY.

Mr. Blaney's petition was granted Mar. 7, 1778.

*Mass. Archives, Vol. 184, p. 17.*

\* \* \* \* \*

STATE OF MASSACHUSETTS BAY.

*To the Hon'ble the Council and House of Representatives in General Court Assembled.*

EDWARD TINKHAM, of Yarmouth, in Nova Scotia,

Humbly Sheweth,

Your Petitioner had a Schooner taken when coming from Hallelax, John McGray, Master, the said Schooner is now in Marblehead which was taken by Capt. John Conway & now in his possession, And as your Petitioner can make it Appear that he is now and ever has been, a true Friend to the American States he humbly prays your Honors to take the affair into your wise Consideration, & restore unto him his Schooner; or otherwise relieve your Pet'r as your great wisdom & goodness shall seem meet.

And your Pet'r as in Duty Bound, &amp;c.

EDWARD TINKHAM.

STATE OF MASSACHUSETTS BAY, in the House of Representatives April 17th, 1778: Resolved that there be allowed and paid out of the Treasury of this State One Hundred Pounds to EDWARD TINKHAM as a present from this State In Consideration of (his losses by the war and for)\* his humane behavior to divers of the subjects of these States when In distress,

Sent up for concurrence.

JOHN PITTS, Speaker Pro Tem.

*Mass. Archives, 217-416.*

\*The words enclosed are crossed out with ink in the original.

I, SANS STANDLEY, of Marblehead, in the State of Massachusetts Bay, of Lawful age testify & Say; that sometime in January 1777, I was an inhabitant of Jebogue in Nova Scotia; & Neighbor to Edward Tinkham of sd. Jebogue & am well acquainted with the said Tinkham & know that he has been friendly to American Prisoners & has supplied them with the Necessaries of life, Particularly to Myself By lending Me money & Assisting me in carrying my Furniture & things on board a Vessel to come to Marblehead and this was at a time when the Milford Man-of [War] lay Nigh by,—

This Deponent further says that he has often heard the sd Tinkham & his wife say that they were friends to America & I have known him to deny selling the Crew of the King's Tenders, Provisions and other necessary Articles,—

this Deponent further says that the said Tinkham is a Person of Good Moral Character & further says not.

SANS STANDLEY.

Essex S. S. Apr. 6, 1778.

Sworn before JOSEPH WARD, J. P.

Mass. Archives, 184-81.

\* \* \* \* \*

To the Council of the State of Massachusetts Bay.

The Petition of JOHN CALDWELL humbly sheweth

That he is an Inhabitant of New Jerusalem [*i. e.* Shelburne] in Nova Scotia: that by the Commencement of the present unhappy and calamitous war your Petitioner (being in the fishery business for his Daily Bread, and being a fatherless Youth bound in Duty to Support his widowed Mother and Sisters,) was put out of Business, and seeing nothing but Destruction for himself, his Parent, and Sisters, consented to go in a Merchantman from that Province to the West Indies; and on my Return, was strongly importun'd to go on another Voyage to Quebec, on which I was taken by the Privateer Dolphin and bro't into Salem.— Your Hon'rs will be pleased to consider I have never been in any arm'd Vessel, you will also consider my motives, my Youth, and particular Situation:— Your Petitioner prays your Honors therefore to suffer him to go to New Jerusalem, in a Vessel which is soon to sail for Barrington in sd Province—that I may do my Duty to my Parent—and as in Duty bound will ever pray

JOHN CALDWELL.

Salem, Nov. 4, 1777.

COUNCIL CHAMBER, NOV. 5, 1777.

Read & Ordered that the Prayer of the above Petition be granted, and that the sd John Caldwell is hereby permitted to depart this State, to New Jerusalem, in Nova Scotia, in the Schooner Sally, William Greenwood, Commander.

Mass. Archives, 167-412.

Apr. 19, 1777 EPHRAIM DEAN, of Liverpool, N. S., petitions the General Court for leave to remove with his family and effects to Massachusetts. He states that he has transported to Machias, twenty-one American Prisoners, and prays to be reimbursed for his expenses in so doing. He was granted permission to return to Massachusetts with his family.—*Mass. Archives, Vol. 213, p. 201.*

July 19, 1777. EPHRAIM DEAN again petitions for leave to remove his family, etc., from Liverpool to Massachusetts; granted in Council.—*Mass. Archives, Vol. 167, p. 84.*

To the Honble the Council of the State of Massachusetts Bay.

The Petition of OTHO RABESHO [ROBICHAUX] humbly Sheweth that he is an Inhabitant of East Passage, on the most Westerly part of Nova Scotia and that he was taken in a Small Schooner with his Cousin SIMON DORSET [DOUCET] & carried into Salem, where the Cargo on board the said Schooner was condemned. but the Captain Considering the Hard Case of

your Petitioner, Generously Gave Him His Schooner, which he has Disposed of at Salem. And being Desirous to Return to his friends—Prays Your Honors would Grant him Liberty to return to East Passage in Company with his Cousin Simon Dorset—in the best manner they can, & he as in Duty Bound will pray

OTHO ROBICHAUX.

Boston, 19 March, 1778.

Granted in Council Mar. 19, 1778.—*Mass. Archives, Vol. 169, p. 224.*

\* \* \* \* \*

To the Honorable Council and the Honble House of Representatives of the State of Massachusetts Bay.

The Petition of JEREMIAH ALLEN, of Cape Persew, humbly Sheweth, that on the last of June, 1777, in going from Halifax to Capepersew he fell in with a Privateer Schooner, belonging to Salem, commanded by John Leach, who took from him Sundry Articles to a considerable amount. your petitioner cannot understand that said goods were ever libelled or Condemned, therefore would humbly pray your Honors to grant him some redress—Your Petitioner would beg leave to Observe to your honors that he has aided & assisted Sundry Prisoners belonging to Capt. Manley & others, by bringing them up in the boat with himself from Capepersew to Boston; therefore would humbly pray your Honors to grant him a permit to return to Capepersew again (with small stores) in order to bring his effects to this State & to secure him from the molestation of any Privateer he may fall in with in the Prosecution of said Voyage.

And Your Petitioner as in Duty Bound Shall Ever Pray

JEREMIAH ALLEN, JR.

Boston, 26th March, 1778.

The draft of an order granting the prayer of the above petition is contained in Vol. 184, p. 47, of the Mass. Archives, but whether the order was passed by the Court does not appear.

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## CHAPTER X.

To the Honourable Council of the State of the Massachusetts.

The Petition of THOMAS FLINT, of Yarmouth in the Government of Nova Scotia, Mariner,  
Humbly Sheweth:—

That Your petitioner with his crew consisted of himself three Men and one Boy arrived about a Week ago in the Shallop called the Elizabeth burthen about Ten Tons at Newbury Port with Four prisoners, who had been taken and kept on board the Bellond [Blonde] Frigate from whence they made their escape, and by the Assistance of your petitioner have got clear. That your petitioner with his Crew who are Americans originally from Marblehead and elsewhere in this State, having large Families who are in a suffering Condition for Want of Family Necessaries such as Corn and other articles were the more induc'd with a View of helping the Escapes of the prisoners and of rendering service to their Families to come this Way hoping to obtain Indulgence from your Honors to return in said Shallop with about fifty Bushels of corn and some other Necessaries, free from all armed Vessels, in the Service of this or the United States, he begs your Honors to take this petition into Consideration, and grant the prayer thereof assuring you he will still endeavor to render all that aid & assistance in his power to any American Brethren that may chance to come that way & he as in duty bound will pray

THOMAS FLINT.

Boston, June 29, 1778.

The above petition was granted in Council June 29, 1778.

Mass. Archives, Vol. 168, p. 397.

John Thurston of Exeter taken in the Schooner Belcooney Belonging to Stephen Larmoney of Newbury port.

Lawrence McLaughlin of Mancher [Manchester] taken in a prize Belonging to the Ship Cumberland.

Jn. Gordon Belonging to the Sloop Polly of Salem and Jno. Sands in the above Sloop and Broat to Portsmouth In Capt flint from Hallifax June the 7, 1778, as Witness our Hands

JNO GORDON  
JOHN THURSTON  
LAWRENCE McLAUGHLIN  
JOHN SANDS

Mass. Archives, Vol. 168, p. 395½.

\* \* \* \* \*

June 23, 1778. HALLETT COLLINS, of Liverpool, Merchant, petitions the General Court for leave to remove his family, consisting of himself, wife, four children and servant, to Massachusetts. He states that he removed from Chatham, Barnstable Co., Mass., to Liverpool some sixteen years previously; that he owns at the latter place "a handsome Dwelling house & land, A good Wharfe & Warehouse, clear Estate;" that the inhabitants of Liverpool, while friendly to the Colonies have suffered severely from the depredations of American Privateers. His petition was granted June 23, 1778.—Mass. Archives, Vol. 219, p. 206.

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To the Honourable Council, of the State of Massachusetts Bay.

The Petition of BENJAMIN GOWEN of Capersew in the Province of Nova Scotia, Humbly Sheweth:—

That in his passage in a small Schooner from Capersew to Cornwallis he fell in with the armed Schooner called the Resolution, Samuel Rogers Commander, which Privateer Seiz'd & took from him his whole Cargo, vizt Thirty Hogheads of Salt, one Cask Rum & Twelve yards of Cloth, and then let him go after putting on board his Vessel a number of British Officers & Soldiers, Prisoners, Viz. One Highland Captain, one Lieut of Marines, the Purser of the Albany Ship and a number of Privates, and the said Rogers, with threats extorted your petitioner's promise to carry the said Prisoners to Cornwallis, which he did:—That on your Petitioner's return from Cornwallis to Capersew, a Whale Boat out of Salem, Nathaniel Webb, Master, came up with him and carried him to Salem. Since which, for some consideration the said Webb has restored him his Vessel. But the Goods taken by Rogers are libelled, which your pet'r proposes to claim.—That your pet'r has never done anything to the prejudice of the American Cause, But on the Contrary, has afforded every Assistance to the American Prisoners.

He therefore humbly prays your Honors will be pleased to grant him some protection, that he may not again be interrupted by the American Privateers in going home, and also in returning back with his Effects, which he intends to do, as there is no living at Capersew, and that he may be allowed to take in some Provisions & Stores for his Voyage.

And as in duty Bound shall pray &c.

BENJA. GOWEN.

Boston, June 29, 1778.

Granted in Council July 29, 1778, and Capt. Gowen is permitted to return unmolested to Yarmouth with one bbl. flour and another of rice.—*Mass. Archives*, Vol. 189, p. 46.

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To the Honourable the Council of the State of Massachusetts Bay.

The Petition of PETER DOUSET of Sisabew [Sissaboo, i. e. Weymouth] in the Province of Nova Scotia & late Master of the Schooner Polly,

Humbly Sheweth,

That on the first day of June last on his passage in said Schooner from a place called Sheppardy [?] bound to Annapolis he was taken by Captn Samuel Rogers, Commander of the Privateer Schooner called the Resolution & the Schooner brought to Boston, but your pet'r was sent ashore at Nova Scotia.

That since your petitioners arrival at Boston, the Owners of said Privateer from a conviction of the Friendly disposition of your petitioner to the American Cause, and of his Aid & Assistance afforded to the American Prisoners at Nova Scotia, Generously made him a present of Four Hundred Dollars.—

Your pet'r therefore humbly prays your Honours would be pleased to permit him to lay out the said Money in Rum, Rice and such other articles as he may want and that he may ship them with himself on board the Schooner Polley, Benjamin Gowen Master now bound to Capersew. And further, as your pet'r has a Boat called the Betsey, which is the only Vessel a float in Sisabew, which he is willing should be improved for the release of any prisoners that may come there, if your Honours would be pleased to Grant a protection for her that no American Privateer should be allowed to seize or take her away. He also prays your Honours for such a Protection. And as in duty bound shall pray, &c.

PETER DOUSETT.

Boston, July 30, 1778.

This petition was granted in Council, July 31, 1778; Mr. Dousett being permitted to take passage with Capt. Gowen, and to take with him one cask of rice and two barrels of rum.—*Mass. Archives*, Vol. 189, p. 50.

\* \* \* \* \*

July 7, 1778, HUGH NICKERSON, or Nickerson, of Argyle, petitions the Council for liberty to return to Nova Scotia. He states that he lately arrived from Argyle in the schooner Ranger, burdened ten tons, with Capt. Jonathan Tukesbury and nine of his crew. Capt. Tukesbury's vessel, the privateer schooner Fox, was driven ashore near Argyle by a British cruiser in much the same manner as was the Cabot.

The Fox, owned by Samuel Page, of Salem, of 18 tons burden, mounting 1 carriage and 8 swivel guns, manned by a crew of 20 men, commanded by Capt. Jona. Tukesbury and Lieut. Amos Mansfield, was commissioned by the Mass. Council, Feby. 19, 1778.

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*To the Honble Council of the State of Massachusetts Bay.*

May it please your Honrs

Your Petitioner is an inhabitant of Cape Versue in Nova Scotia; was born in Ipswich in the County of Essex—hath a Family at Cape Versue and some effects which he wishes to bring into this State where he desires to reside in peace and quiet; for this he wants your Honrs permission: He therefore prays your Honors to give him leave to bring his sd Effects from the sd Versue to this State in the Schooner Lydia, of about 18 Tons, & as in Duty bound will ever pray.

NEHEMIAH PATCH.

SALEM, Aug. 2, 1778.

This certifies that the above named Nehemiah Patch was formerly an Inhabitant of this State; now lives at Cape Versue in Nova Scotia; has frequently afforded aid to the prisoners belonging to this State; has at four different times bro't up a No. of them from N. Scotia to this State; and is an honest, well meaning man.

DANL. HOPKINS.

Granted in Council Aug. 26, 1778.—*Mass. Archives, Vol. 169, p. 105.*

\* \* \* \* \*

*To the Honble the Council of the State of Massachusetts Bay.*

May it please your Honrs

Your Petitioner takes the liberty to inform your Honrs that one NATHAN BROWN, late of Ipswich in this Govt; now an inhabitant of Cape Versue, in Nova Scotia, is a man of good interest in both Governments, and by his good conduct to our people, (who have fled from the Enemy, whom he has in his own Vessel sent Sundry times to this State) rendered himself a Subject of their intended Vengeance; has a Family and Effects to a considerable amount at the said Cape, which he is desirous to bring into this State for which he wishes to have your Honrs permission for the above purpose, which he has an opportunity to transmit to the sd Brown, and your Petitioner as in Duty bound will ever pray

DANL. HOPKINS.

Salem, Aug. 24, 1778.

Granted in Council, and a permit issued to Nathan Brown, Aug. 26, 1778.—*Mass. Archives, Vol. 169, p. 106.*

\* \* \* \* \*

It appears to us that Mr. JOHN SWAIN, of Barrington in Nova Scotia has brought up a number of Prisoners from that place as appears by a Certificate under their hands—As said Swain appears to be friendly to the United States—it is our opinion therefore that he might be indulged in Trade so far as the Laws of this State will admit of

RICHARD SMITH, C. P. S.\*

Newburyport, Aug. 8, 1778.

In Council Aug. 10, 1778; Read and Ordered that John Swain of Barrington in Nova Scotia be and he hereby is permitted to return from this State to Said Barrington in Nova Scotia and has liberty to take on board his vessel such provisions for the use of his Family as the Committee of Newburyport shall think proper. And the Commanders of all Armed Vessels belonging to this State are hereby directed not to molest the said John Swain on his return to said Barrington. *Mass. Archives, Vol. 174, p. 381.*

\*Committee of Public Safety.

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## CHAPTER XI.

*To the Honourable Council of the State of Massachusetts Bay.*

The Memorial of ALEXANDER McNUTT, Humbly Sheweth—

That your Memorialist on the 22 June last had his house Robed by a number of Armed Ruffians who took and Carried away by force a number of Articles, Sword, Pistol, Firelocks, Powder, Ball, Shot, and Flints, Drawing Box and writing Stand with there contents, Superfine Scarlet and Blew Cloaths, Books, Silver, Spoons, Silver Buckles, Plain, Set and Carved, Gold lace, Diamond Rings with a number of other articles as may more fully appear from a particular state of the Case, reference being had thereunto—and to which he begs leave to refer the Honorable Council.

The Capt's name (as he said) was Thomas Francis, a Welchman. The Lieut. name — Newall, of the Armed Schooner Congress, of the Port of Boston.

Your Memorialist can truly Say that he would be Extremely Sorry to see the Glory of the American Arms tarnished or their Lustre Sullied by the Conduct of Such unworthy persons, who are only a disgrace to the name of Soldier—Neither can your Memorialist think himself Justly Intituled to any Such treatment, more Especially as he has already Suffered a Loss of upwards of Forty Thousand Pounds Str in his Property in the Course of the Contest, by the Waste of his Timber for Lumber and Staves, Coal Mines, Salmon Fishery &c. and to add to his other Difficulties, was taken on his Passage hither by an English Frigate, afterwards Chased on Shoer by two Tenders, and finally obliged to take his passage in a Whale Boat to Falmouth, from thence by Land on Foot, having been Deprived of the Means of travelling more agreeably by the aforesaid Robbers.

Your Memorialist therefore requests that the persons aforesaid may be brought to Justice, that some Salutory Measures may be adocted to prevent for the future all such Irregular proceedings, and that the Honorable Council would be pleased to take his Case into Consideration and do therein as shall seem meet.

ALEX. McNUTT.

17th Augt, 1778.

*To the Honorable the Council of the State of Massachusetts Bay.*

The Memorial of ALEXANDER McNUTT, Humbly Sheweth,

That your Memorialist did present a Memorial bearing date 17 Augt last requesting redress for Injury done to his Brother and him by a Privateer from the Port of Boston—That Thomas Francis, the Master of the Said Privateer was at that time in Boston, and Mr. Oliver, one of the owners went with your Memorialist to the aforesaid Francis House and found several of the Articles in his Possession Marked with my name.

I had no time then to Spare for takeing care of the said Articles and Mr Oliver assuring me that he would not only take Special Care of what was there found, but use every Endeavor to find more before my return, and from my Application to the Honorable Council and Mr Oliver's promises I rested Content.

Upon my return (I) waited upon Mr Oliver who Informed me that the Said Francis had Sailed for South Carolina and had carried all my Articles with him; this I must Confess is Treatment very Different from what I had a right to Expect.—That the Villians who not only Robed me of my Property, but upon my resistance Insulted me with blows, should be permitted to escape with Impunity, Seems very Extraordinary—and is such treatment as I should not have Expected from Either the Christian or the Gentleman, and what makes the Case still worse, that I cannot be permitted to pass and repass through the Country Unmolested, even tho' I Injure no man, for on the 8th Inst., was Arrested at Salem as a Doubtful Character.

How I can be Justly Considered in a Double Capacity and treated as both Whig and tory seems a Parradox to me. I have always spoke my sentiments Clearly, and would have readily added Correspondent Actions had I had a Call in Providence so to do, being well



Convinced that the Cause of God will admit of no Neutrallity, and I Challenge even Emnity itself to produce one single Instance in which I have deviated from the Resolves of Congress Since 1774.

Before I left Nova Scotia I had Sustained a Loss in my Property of upwards of Forty Thousand Pounds Str and probably much more since, and Dr. Prince, with others of like kind applied to Britain for my lands (and of Consequence for my Life) representing me as disaffected, which application was supported by Govr and Council at Halifax, as your Memorialist was Informed. the Inference I would make is that there Cannot be two Contradictory Rights Equally true at one and the same time; if Dr. Prince with Britain Claimed a Right to Rob and plunder McNutt on pretence of his being a Whig, then Certainly the Privateer Called Congress from this Port had not a Right to Rob me as a tory—yet so it is.—The truth is, neither had a Right to what Providence gave me.

Since I first set out for redress have travel'd by Land and Water, on foot and on Horseback upwards of two Thousand Miles and have Expended above five Thousand Pounds, and above thirteen months time without obtaining the least redress. I know it is not a proper time for individuals to give unnecessary trouble, and therefore shall make no remarks at present upon the treatment I have received but leave it to the Consideration of Your Excellency and the Honorable Council.

All which is most humbly submitted.

ALEXR. McNUTT.

17 July, 1779.

*To the Honorable the Council of the State of Massachusetts Bay.*

The Memorial of ALEXR McNUTT, Humbly Sheweth,—

That your Memorialist did 17 Augt 1778 & July 17, 1779 present two Memorials requesting redress for the Injury done to his Brother and him under pretext of Authority from the United States. for that purpose at the same time your Memorialist was likewise Employed by Sundry other Persons to Solicit redress, their acct's and Characters certified before a Magistrate and a power of agency Given to your Memorialist, but his being taken by the Enemy on his passage occasioned the loss of his Vouchers,—his Case appears to be singular for the Schooner which he brought over the Bay, in her return was taken by the Enemy and Condemned.

It is upwards of Twelve Months since your Memorialist first applied for redress, as yet have obtained none,—perhaps further Evidence may be deemed requisite—if so, he requests permission to return and to pass and repass unmolested by Land and Water, which will give him an Opportunity of forwarding such Evidence as will make it very Evident that he is not Intituled to any such treatment and he apprehends it will reflect but very little Honour upon the Arms of the United States to have them Prostituted for Such purposes.

Your Memorialist Came not for Law nor Money, but for Justice and his Property which was unjustly Carried away. Many of the Papers and other Articles Cannot be replaced with Money; for a more particular State of his Case he begs leave to refer the Honorable Council to the Memorial Already mentioned and requests that his case may be taken into Consideration that he may be permitted to return and Collect such Evidence as may be necessary and to forward the same and to return here unmolested.

All which is most Humbly submitted,

ALEXR. McNUTT.

Sept. 8, 1779.

STATE OF MASSACHUSETTS BAY. In Council Sept. 10, 1779.

Whereas ALEXR. McNUTT, an Inhabitant of the Province of Nova Scotia hath represented to this Board that the Comr and Crew of a certain American Armed Ship did land in that part of said Province where the Petitioner dwells, and did rob and plunder his dwelling House of almost every valuable article in it against the usage and customs of civilized Nations at War with each other, for which he hath been soliciting redress but hath failed to obtain it owing, as he conceives partly at least to a want of such evidence as may clearly evince the equity of his request of compensation from the persons committing the supposed injury; which failure of evidence he alledges is owing to the capture and consequent loss of some of his papers, which can easily be supplied if liberty be granted to him to go to Nova Scotia and return again, under such restrictions as this Board shall think proper. It is therefore ordered that the Said Alexr McNutt be permitted to go from hence by Sea and

Land as shall be most convenient for him, to Nova Scotia, for the purpose afore-mentioned and to return from thence, provided he shall give his parole in writing that he will not do or say anything to the injury of any of the United States during the time he shall be engaged in the business aforementioned, and more especially that he will not communicate any intelligence touching the affairs of any of the said States to the Enemies thereof.—And the People of this State are directed, and it is hereby recommended to the Inhabitants of the other United States, not to molest or impede the said Alexr McNutt in his going to or returning from the said Province of Nova Scotia, or any other persons that he shall authorize for that purpose aforesaid, unless they shall find, or have good grounds to believe that the said Alexr McNutt shall have actually violated, or has designs to violate his said Parole.

Attest JOHN AVERY, D. Secy.

Mass. Archives, Vol. 170, p. 385-6.

RAGED ISLANDS,\* Sept. 25, 1779.

These lines Comes with my respects to you, & to acquaint you of the Robbery done to this Harbour. there was a guard of men put upon every house and the houses stript. very Surprising to us. they came in here Early in the Morning on the 20th day of August last, and said they were from Penobscot and were torries bound to halifax. they Come to my house first and wanted some refreshment, accordingly we let them have what they wanted; and then they went away and stayed on an Island till the tide run so that they could Come at my Boat, then they come and took my Boat and put a Guard upon my House and went a Robbing. they took about 19 Quintals of Cod Fish and Four Barrels of Salt, three Salmon Netts, 60 lbs of Butter, one Green Hyde, five dressed Skins and some Cheese, and a Great many other Things. The Boat Cost me fifty pounds Halifax Currency. then they went to Mr Matthews and there Robed him then went to Mr. Haydens, and Robed him, then went to Mr Locks and Robed him. these things are very surprising that we in this Harbour that have done so much for America, that have helped three or four hundred Prisoners up along to America and Given part of our Living to them, and have Concealed Privateers & prizes too from the British Cruisers, in this Harbor. All this done for America and if this be the way that we are to be paid I desire to see no more of you without you Come in Another Manner, but I hope the American Gentlemen that Grants out Commissions or are Bondsmen would take these Notorious Ra. calls in hand for this Robbery. Sir, be so kind as to Inform some of the Council of the affair, that we might have some restrictions, otherwise we shall not be able to help the American prisoners, and more Sir, if you find out who these be, and whether we are like to have anything, be pleased to write.

[Signed]

{ WILLIAM PORTERFIELD,  
JOHN MATTHEWS,  
THOMAS HAYDEN,  
JONATHAN LOCK.

True  
Copy  
A. McN.

have been informed that the Masters names were Charles Jenks, Samuel Briggs & Gidion Hogsie [Hoxie?] fitted out at Coxit [Coakset] River between Dartmouth & Seconick [Seekonk] River near [New] Bedford in three Whale Boats. Dr Benjamin Richmond of Little Compton & Col John Topham, New Port Rhode and Owners—Mr Porterfields Boat was disposed of at Cap Ann.

BOSTON, October 11, 1779.

SIR:

The Enclosed letter I received at Salem. those who Committed the Robbing I am Informed were from Dartmouth or Bedford in Whale Boats, who afterwards went into the Passage or Barrington, took a Schooner from Capt. Greenwood who has followed them.—I cannot think it will Insure any Valuable End to the States to Suffer any in their Services to plunder the People on that Shoar (Except such as are Carrying on a Trade with the Enemy). the time may not be very remote, when they might be called upon to take an active part in the present Dispute, and can it be supposed that they will Cordially Join with those who have deprived their Families of Support, and who would willingly at any time have shared the little they were Possessed of with such as were in need.

The three first had a good schooner taken from them in 1776 by Capt. Harmon of old York, for which they have as yet received no compensation. they had about 300 Quintals of

\*Lockeport.

Good Fish to bring over the Bay, had obtained a Copy of a Commission to Enable them to Come to this Market, but were deprived by Harmon, with others. they had put a particular state [ment] of their Case in my hands which I lost in my Passage.—I think it would ensure a good end if the Honorable Council would at least resolve that Justice should be done in the Case, and in the meantime order a small supply for the Support of the Sufferers.

I have the Honour to be

With due Respect,

Sir, Your Most

H'ble Servt

ALEXR. McNUTT.

The Honorable Jeremiah Powell, Esq., President.

To the Honorable the Council and the Honorable House of Representatives of the State of Massachusetts Bay.

The Memorial of ALEXANDER McNUTT in Behalf of his Brother & Himself

Humbly Sheweth

That your Memorialist having had his House Plundered and his Brother and himself Insulted with Blows by a number of Armed Ruffians, who pretended to have Authority from that State for their Conduct, did immediately follow them, found the Capt in Boston with a number of the Articles in his Possession, Marked with my Name which Articles, Mr Oliver, one of the Owners of the Privateer, promised faithfully to take Care of for me, but who appears at present unwilling to give them up or Entrust me with the Care of my Own Property.

Your Memorialist having only tarried a few hours after the Robbery was Committed Cannot as yet ascertain all the Damage, have mentioned only a part of the Articles Carried off with a View of having the Villains thereby discovered, secured and brought to Justice.

He Apprehended the Damage Sustained to be upwards of three Hundred Pounds Sterling, Exclusive of Books, Papers and other Articles which cannot be replaced for money, for a more particular state [ment] of his Case he begs leave to refer to the Memorials presented to the Honorable the Council of this State dated Augt 17, 1778, No. 2, July 7, 1779 & No. 3, Sept 8, 1779, and requests redress, and likewise redress for those who have Empowered him to apply in their behalf and who by the by are not to be Considered as runners Connected with persons on this Side of the Bay who are Carrying on a very pernicious Trade with Halifax and other parts. Should the Honorable Court Judge it proper to permit your Memorialist to forward, by the first Good Opportunity that opens, a small supply of Corn & Rye and a few other Necessaries for about fourteen Families (provided he can find a Good Opportunity and some assurance that the Enemy will not take it from them, and provided further that it do not interfere with any Plan of the Honorable Court) he presumes it would answer a very Good End—No Protection or Passport for Trade is desired under pretence of bringing of Families & Effects; let such be the part and portion of the Enemies of America who have hitherto Enjoyed it Unrivalled, without perhaps one Exception, and he presumes no one friend has ever yet applied or received such a pass, the Resolves of Congress and Instructions to Commanders of Ships of War being fully sufficient to answer every valuable purpose in America. Your Memorialist considers it as his duty to Defend his Property in Any part of America where God in his Providence has Ordered his Lot, against the Unjust Claims of all Persons Whatsoever, whenever Providence will afford an Opportunity and therefore desires not the Removal of any part of it Except somewhat for Cloathing and Expense.

That many Persons Carrying on a Trade with the Enemy have Justly Suffered, and have likewise had redress both here, and there, is Granted, and on the other hand others who have never deviated from the resolves of Congress and who have suffered much from both Sides, and as yet Without any redress from Either is Equally Certain —

Shall Conclude with Observing that your Memorialist has Suffered more in his Property than all in that Colony put together, Including the Damage Sustained from the British and the Dregs from these States known by the Appellation of Most Loyal Subjects & Refugees, and who are a Curse to that Colony & have made it only a Cage for Unclean Birds. it is to be hoped the measure of their Iniquity is Nigh Compleat and that a time of purging will shortly take place.—As yet Your Memorialist have not obtained even the least redress—tho' he might as well as others plead a Merit in having Administered to the relief of his Brethren in distress, as perhaps he may have done more in that way than many who make large pretensions. but he apprehends that he has done no more than his duty in that respect, and

therefore claims no Merit, or return from man. to Act from such low and base Motives he thinks it Unworthy of the Charities or Man of Honors.

Your Memorialist therefore only requests Justice, and that the Villains who did the Injury be treated Agreeable to their deserts—That Mr Oliver be obliged to give up the Articles left in his Care, and for whatever part of my Property I Shall receive will give Credit, and for the remainder, a receipt of having paid so much towards the Continental Expense Agreeable to the Current Exchange will answer.—I came not for Law nor Money but Justice and my property which was unjustly taken away, and likewise request that the Honorable Court would be pleased to take the Case of those whom he represents into Consideration and do therein as shall seem meet.

All which nevertheless is most humbly submitted.

June 21, 1780.

ALEXR. McNUTT.

STATE OF MASSACHUSETTTS BAY, In the House of Representatives, June 22, 1780.

On the Memorial of ALEXANDER McNUTT Praying Leave to Carry Certain Articles to Port Roseway in Nova Scotia,

Resolved that Alexander McNutt be & he is hereby permitted to Export from this State to Port Roseway in Nova Scotia for the Benefit of fourteen families residing there Sixty Bushells of Grain, One hogshead of Molasses, 1 barrel of Rum, one loaf of Sugar, and several small Articles of Crockery ware such as Milkpans, porringers and Butter pots for said Families.

Sent up for Concurrence.

JOHN HANCOCK, Spk.

In Council June 22, 1780.

Read & Concurred.

JOHN AVERY, D. Secy.

Mass. Archives, Vol. 228, pp. 391-3.

## CHAPTER XII.

Sept. 3, 1778. BENJAMIN COLLINS, Merchant, of Liverpool, petitions the General Court for leave to return to Liverpool where he has resided eighteen years, for the purpose of settling his affairs and removing his family to Massachusetts. Granted.—*Mass. Archives*, Vol. 169, pp. 138-9.

\* \* \* \* \*

Sept. 3, 1778. JOHN HOPKINS, of Liverpool, petitions the General Court for leave to remove his family and effects to Massachusetts. His petition is accompanied by the following certificate:

We Certify that John Hopkins hath Landd in Portsmouth two Prisoners from Nova-Scotia, Capt. Treferin & James Welch, and in Boston Reuben Collins which Come in the Same boat w<sup>th</sup> us the Subscribers free Gratis of Freight or Passage.

DAVID BEAT.

Boston, 1st Sept., 1778.

Mr. Hopkins' petition was granted.—*Mass. Archives*, Vol. 169, p. 150.

\* \* \* \* \*

Oct. 30, 1778. ARCHELAUS CROWELL, of Port Roseway, petitions the General Court for leave to purchase a small quantity of pork and grain, with the proceeds of 35 qtls of fish, 4 bbls of oil and 14 bushels of salt, brought to Newburyport by him in the shallop Elizabeth, 8 tons burden, and to export the same to Port Roseway for the relief of several of the inhabitants there who are wholly destitute. He states that the Continental Sloop-of-War "Providence," Capt. Rathburn, which came into the harbor of Port Roseway in distress, was supplied with a new mast and bowsprit by the people there, in payment for which the petitioner was given a draft on Mr. John Bradford, the Continental Agent, for \$22, which the petitioner was desirous of investing in necessary supplies. Granted in Council, Nov. 3d, 1778.—*Mass. Archives*, Vol. 169, p. 281.

\* \* \* \* \*

State of Massachusetts Bay.

To the Honble the Council of Said State.

The Petition of WAITSTILL LEWIS, of Barrington, Humbly Sheweth

That your Petitioner arrived here a few days ago in a small fishing Boat from Barrington in Nova Scotia where he belongs with several Prisoners as by Receipts, who had been taken by the Enemy and Carried into Halifax, from whence they made their Escape, and by the assistance of your Petitioner have got off clear.

That your Petitioner has come here for no other purpose than to bring these prisoners & to purchase a small quantity of Provisions which are extremely scarce with us —

Your Petitioner therefore humbly requests Your Honors to suffer him to purchase a few necessaries and to grant him a Pass that he may return Home unmolested by any American Armed Vessel.

WAITSTILL LEWIS.

Boston, Oct. 20, 1778.

Boston, October 9, 1778.

This is to certify that Waitstill Lewis in the Shallop Polly from Nova Scotia, broat up to the states of Amaraa too prisoners that were taking and maid thear Escape.

GEORGE TUCKER  
BARNABAS BUTLER.

In Council Oct. 11, 1778: Read and Ordered that the Prayer of this Petition be so far granted that the Petitioner be hereby permitted to depart this State in a Small Fishing Vessel that he came in from Barrington in Nova Scotia and he hereby has Liberty to purchase five Bbls Flour and fifteen Bushells of Onions for the use of his Family and Several Families in said Town of Barrington in Nova Scotia. And the Commanders of All armed Vessels & others belonging to this State are hereby Ordered, and it is recommended to the Commanders of all armed Vessels belonging to the United States to suffer him to pass unmolested to Nova Scotia with the articles aforesaid.

Attest

JOHN AVERY, D. Secy.

Mass. Archives, Vol. 100, pp. 240-241.

\* \* \* \* \*

To the Honble Council & House of Representatives for the State of Massachusetts Bay.

The Petition of WILLIAM GREENWOOD humbly sheweth,

That Your Petitioner has brought up from Nova Scotia, Mr. John Long, late Quartermaster of the Continental Ship Hancock, Amos Green of Salem and Ichabo Mattocks of Mt. Desert who were taken Prisoners & carried into Halifax—Your Petitioner Prays he may have liberty to return to Nova Scotia to his family and to carry down for the support of them & four other Families, the Heads of whom came up in the Vessel, & are in a suffering condition, Forty Bushels of Rye and three Casks of Flour & Your Petitioner as in duty bound shall ever pray &c.

WILLIAM GREENWOOD.

Boston, Oct. 7, 1778.

This petition was granted a few days later, Capt. Greenwood being directed to give a bond to the Naval Officer of the Port of Boston, in the penal sum "of two hundred pounds that he will carry out of this State; such articles only, as he is permitted by this Resolve." At the same time a clearance was granted to his schooner the Sally.—Mass. Archives, Vol. 219, p. 431.

\* \* \* \* \*

State of Massachusetts Bay.

To the Honourable the Council of said State now sitting at Boston.

Most Humbly Shews, SIMON BURN, of Yarmouth, in the Province of Nova Scotia, That Some time Before Dispute with Great Britain began he Removed from Salem in this State With many others to Yarmouth Aforesaid in order to Carry on the fishery to Greater Advantage, and Before the Present War Commenced He was able to Maintain himself and his family, In Comfortable Circumstances; But for Some time Past the Fishing and other Business Carrying on in Small Vessels on the Coast of that Province has Been So Interrupted & is now Intirely Broken Up, By the Small Privateers from this State Capturing all their Vessels; That by this means he with the Inhabitants of Yarmouth In General have been Drove to Great Straits And Difficulties.

Your Petitioner has now found his way up hither In order to Lay his Distressed Situations Before your honours and to Implore Relief. He might go on, & inform Your Honours of his having Relieved the Distresses of American prisoners Who were on their way home from Halifax, not only by Feeding them while in the town of Yarmouth; But by Providing

them Passages over the Bay to this State. But this has been Done by the Inhabitants of Yarmouth In General; of the truth of which he presumes your Honours have Been fully Satisfied; the Expences of which he Apprehends has been fully Equal to their taxes had they Resided in this State; he therefore prays that your Honours Would Grant him permission and Safe passage to Remove his Family and his Small Effects into this State in order to become an Inhabitant there of Being Ready & willing to take the oath of Allegiance and in all Respects Conform to the Law of the United States and your Petitioner As in Duty Bound will Ever pray

Salem, Nov. 17th, 1778.

SIMON BURN.

SALEM, 16th Nov., 1778.

Dear Sir:

I Cannot help feeling for the Inhabitants of the Western parts of Nova Scotia, who have in General been made miserable by the Depredations of our Small Privateers on that Coast. A Mr. Burn, the bearer of this now waits on the Board, as he tells me, in order to petition the Council for Liberty to Remove his Family to this Town. I have so often Troubled the Board, while I was a member of it, in behalf of this People, that I am unwilling to take up more of their time by writing them on the Subject, but when the People make application to me and State their Distresses I Cannot Resist them. Therefore if you can put this man in a way to get his Petition forward—You will Oblige an Old Friend,

Sir,

Your Hble Servant,

RICH'D DERBY, Junr.

JOHN AVERY, Esq.

Hon. Richard Derby, Jr., was himself the owner of a number of Privateers, but in no instance has the writer been able to find any evidence that his vessels, or their crews, committed any acts of violence upon, or in any way interfered with our people.

Mr. Burn's petition was granted in Council the day it was received.—*Mass. Archives*, Vol. 169, p. 321.

Dec. 14, 1778. EBENEZER and DAVID CORNING sailed from Yarmouth some time since in November preceeding, in the schooner Betsey of about 14 tons, Ebenezer Corning, Master, laden with about twenty hhds of salt and carrying as passengers, fourteen American escaped prisoners. On the 12th of December they arrived at Newburyport, and on the 14th the Messrs. Corning petition the General Court for leave to buy corn and other provisions with the proceeds of their salt and for permission to depart to their homes unmolested. The Committee of Safety for the town of Newburyport endorsed their petition as follows—

NEWBURYPORT, 14th Dec., 1778.

It appears to this Committee that the Petitioner, Capt. Corning Has Repeatedly Aided & Assisted our People in making their escape from the Enemy.

JONA. TITCOMB, Chairman.

The petition was granted Dec. 16, 1778.—*Mass. Archives*, Vol. 169, p. 391.

Dec. 14, 1778. THOMAS GREENWOOD, of Barrington, petitions the General Court, stating that he was pressed to bring from Nova Scotia the Crew of a privateer owned by a Mr. Shattuck and others, which privateer had been driven ashore and destroyed by a small British Cruiser; and praying leave to purchase 50 bushels of grain, two barrels of flour and one or two barrels of pork for the relief of his own and other distressed families, and for permission to depart with the same for his home, without interference. Granted in Council.—*Mass. Archives*, Vol. 169, p. 241.

## CHAPTER XIII.

Jan. 1, 1779. BENJAMIN BROWN, of Yarmouth, petitions the legislature of Massachusetts for leave to remove his family and household effects to Beverly, from whence he had emigrated to Yarmouth some twelve years previously. His petition was granted Feb'y 17, and a passport was given him by the Council on the 24th of the same month. His petition was accompanied by the following certificate,—

These may Certify whom it Doth Concern.

That about the fifth of November Last I had the misfortune to fall in to the Hands of the Enemy; and having my liberty to walk about at Halifax, Mr. Benja. Brown Carried me with Mr. Dugard & Ephraim Laskey to Yarmouth, Cape Boseau, & there Entertained us at his own Expence about one week & then procured us a Passage to this State. I have been Credibly informed that sd Brown has Treated all other prisoners that he could find in the Same Hospitable manner, and many times at the Risque of his person & Interest.

I saw a Certificate of this Kind in sd Brown's Possession, Signed by Capt. Stevens, his Officers, and some of his men.

I am Confident sd Brown is a friend to the Liberties of America, and is entitled to any favor the Hon'ble Court thinks fit to bestow upon him.

JOHN ASHTON.  
Late Comdr Schr Hampden.

Beverly, Feb. 1, 1779.

—*Mass. Archives*, Vol. 169, p. 451; Vol. 221, p. 128.

\* \* \* \* \*

To the Honourable the Council of the State of Massachusetts Bay.

The Petition of THOMAS FLINT of Cape Persue

Humbly Shews

That he came in the schooner Hannah, about Twenty Tons burthen, up to Salem in the Month of November last and brought with him a number of Prisoners that had made their escape from the Enemy, that through the inclemency of the Season he has not been able to return with his Vessel. he is now got ready to go back again and as he may be harrass'd by some of the Armed Vessels without something in Writing from your Honours he Apprehends it necessary to make application for a permission to depart with his said Vessel and to prevent his being troubled by any Armed Vessel when pursuing his usual calling, being that of Fisherman. as to what fares he may make he shall endeavor to bring into this State for Sale. he is not insensible of the Favour granted him by your Honours on the 29th June, 1778, & hopes that his Conduct has been agreeable to that of a friend to the Cause of America. He therefore begs leave to petition your Honours for the indulgence of a permission as aforesaid assuring you if granted, shall be used with Caution & he as in duty bound will pray,

THOMAS FLINT.

Boston, Feb. 19, 1779.

In Council Feb. 19, 1779:—Read & Ordered that Eleazer Brooks, Esq. with such as the Hon'ble House may join be a Committee to take into Consideration this Petition and report what is proper to be done thereon.

Sent down for Concurrence

JOHN AVERY, D. Scy.

In the House of Representatives, Feb. 19, 1779: Read & Concurred & Mr. White & Mr. Gorham of Barnstable are joined

JOHN PICKERING.



November the 18th Day, 1778.  
We the Subscribers promise to pay to Thomas Flint three pounds lofful monny a peas for  
our pasegis from Cappersew to Sallom

THOMAS STANDLEY,  
THOMAS BRIDGES, his (X) mark.  
JOHN CARREL,  
PHILLIP ————  
RICHARD SKINNER,  
BENJ. ————  
WILLIAM LEWIS,  
FRANCIS ————  
ABRAHAM HOWARD.

CAPERSEW, October ye 24, 1778.

We Subscribers have ben taken Prisoner and Carried to Halifax and Was Isisted away  
to this Place by Thomas Flint and supported While in this place, and we Subscribers Would  
be Glad if the Gentlemen of the Court take the Same in Consideration and Grant said  
Thomas Flint Such favour as will help him.

JOSEPH STUART, of Falmouth.  
JOHN HERRICK,  
JAMES HERRICK,  
JOSEPH HIBBART,  
ELEAZER GILES,  
BENJAMIN VABY,  
NATHANIEL BATCHELDER.

The Committee of both Houses appointed to take into Consideration the Petition of  
Thomas Flint have attended to that Service and Report the following Resolve.

ELEAZER BROOKS, pr Order.

RESOLVED that Thomas Flint be and hereby is permitted to Depart this State in the  
Schooner Hannah, and the Commanders of all armed Vessels belonging to this State are  
Directed not to trouble or molest the Said Thomas Flint while pursuing his Lawful business  
as a fisherman.

In Council, Feb. 20, 1779,  
Read & Accepted,  
Sent down for Concurrence,

JOHN AVERY, D'y Sec'y.

In the House of Representatives, Feb. 20, 1779,  
Read & Concurred

JOHN PICKERING, Spkr.

Mass. Archives, Vol. 185, pp. 34-37.

\* \* \* \* \*

May 13, 1779. DAVID CORNING, of Yarmouth, petitions for permission to sell 200 Qtls. of  
fish lately brought by him to Salem; also to be allowed to return to Yarmouth for his family  
and effects. Granted in Council May 13, 1779. His petition is accompanied by a certificate  
from Hon. Josiah Batchelder, a Member of the House, thus:—

These may Certify whom it doth Concern

That DAVID CORNING, Master of the Schooner Betsey, about fourteen Tons, Lately from  
Yarmouth, Nova Scotia, with about Two hundred Quintals of fish & some 2d hand Coardage,  
on board, and now Lying at Salem, is a Native of Beverly in this State and went from here  
with his parents a few years before the Present war began, to said Yarmouth where he hath  
lived ever since Except when at Sea. That he appears to be an Honest Worthy young

Illegible.

man. That he has always been friendly to these States, and has ever since the present war began Rescued and Transported, from Nova Scotia to this State, at the Peril of his liberty & Property and hath Several Times had liberty to Return again as will appear by the records of the general Court

Therefore I take the Liberty to recommend him to any favor that the Hon'ble Council may think fit to bestow upon him; Particularly for Liberty to sell his fish & cordage, which he Says is to Raise money to pay Several Debts which he Owes in this State.

JOSI BATCHELDER, JR.

*Mass. Archives, Vol. 170, p. 97-9.*

\* \* \* \* \*

May 15, 1779. ELISHA ELDRIDGE, of Yarmouth, petitions the Council of Massachusetts, stating that his father, in the fall of the preceding year, in removing from Yarmouth to Massachusetts, left a portion of his effects behind him at Yarmouth and Liverpool, which property the petitioner wishes to collect and transport into the said State. Granted in Council, May 15, 1779.—*Archives of Mass. Vol. 170, p. 107.*

\* \* \* \* \*

*To the Hon'ble the Council of the State of Massachusetts Bay.*

The Petition of NEHEMIAH PATCH of Capersew in the Province of Nova Scotia,

Humbly Sheweth

That in August 1778, your Honours were pleased to permit your petitioner to go down to Capersew and bring from thence his Family & Effects into this State, but on his passage down he was Cast away and he could procure no Vessel to bring his Effects in there.

That your petitioner is now about going down with your Honor's leave in the Schooner called Lydia.

He therefore prays your Honors will be pleased to permit him to go down to Capersew in said Vessel, and from thence bring his Family & Effects into this State Unmolested from Armed Vessels

And as in duty bound shall ever pray, &c.

NEHEMIAH PATCH.

Boston, May 18, 1779.

Granted in Council May 18, 1779.—*Mass. Archives, Vol. 170, p. 122.*

\* \* \* \* \*

May 18, 1779. JOSEPH HOMER petitions for, and is granted permission to remove his effects from Nova Scotia (no town mentioned.)—*Mass. Archives, Vol. 170, p. 125.*

# CHAPTER XIV.

June 3, 1779. STEPHEN ELDRIDGE, of Yarmouth, petitions the General Court of Massachusetts for permission to remove property owned by him in Yarmouth and Liverpool, into said State. Granted same day.—*Mass. Archives, Vol. 185-208-9.*

June 7, 1779. A second petition of STEPHEN ELDRIDGE repeats his request of June 3d, and states that the Chairman of the Committee to whom his previous petition was referred had gone to his home and had carried with him the permit already granted. Mr. Eldridge's second petition was granted and he was permitted to take passage in the schooner Kingfisher, Capt. Rider, master, then at Newburyport.—*Mass. Archives, Vol. 222, p. 500.*

\* \* \* \* \*

SALEM, 15th June, 1779.

JOSEPH HENDERSON, Esqr.

The Bearer, Capt. Zachariah Foot, who is a Relation of mine, and Richard valpey his nephew, who have Resided for nine years past at Cape Beseau in Nova Scotia, have been lately taken on their way to the West Indies and Brought into Marblehead, and I am now informed are sent to you to be confined on board the Guard Ship. Capt. Foot's unbounded Liberality to American prisoners who have escaped from Halifax, is Well known to many; his Doors have at all Times been open to them, as many of my Townsmen are now testifying in his behalf—the only Indulgence I ask for him is that he may be Liberated under parole to Discharge some American Captain now prisoner at Halifax. I shall be much obliged that the boy his nephew, & Jonathan Baker, formerly of Beverly, and whose family have been settled at Barrington for 12 years past, may be Liberated with Capt. Foot—if you Cannot Do this Consistently yourself, I wish the matter might be laid before the Hon'ble Board for their approbation—these peoples Removal to Nova Scotia so long before the Contest with Great Britain & their attachment to the American Cause I think Pleads strongly in their favor. I therefore hope they will not fail to have kindness shown them. I shall be much Obligated by it and am,

Sir

Your very H'mble Servant

RICHARD DERBY, JNR.

P. S. I will be bonded with Capt. Foot, if necessary, that he shall fulfill his parole,

To the Hon'ble Council of Massachusetts.

## The Memorial of JOSEPH HENDERSON

Humbly begs leave to lay before your Honours a Letter which he received from Richard Derby, Esqr. Respecting Capt. Foot, belongs to Cape Peru who was carried into Salem & Sent to your Memo. this day as a prisoner. your Honours will see what Capt. Derby Desires in behalf of this Man which does not lay with me. his Humanity to American Prisoners has been Great in Addition to what Capt Derby sets forth. Captn Joseph Olney, Commr of the Contin-Frigate is Desirous to Appear in behalf of him. when he Commanded the Brig Cabot, a Continental Vessel he was Chased by a British Frigate & all hands took to the Woods. this Man took them into his House, 140 in number, Supported them fourteen Days without Fee or Reward & helpt them with a Vessel to Come off. if your Honours should see Cause to permit Capt. Foot to go home in a small Vessel which is going from Salem, upon parole to return a man of Equal Rank—Capt. Olney Desires that he may have

Liberty of making him a Present of a Barrel of Flour & some other small Matters in part Compensation for the Extraordinary Civilities received.

All which is Humbly Submitted  
as in Duty Bound,

JOS. HENDERSON.

In Council June 22, 1779.

Read & Ordered that JOSEPH HENDERSON, Esq., Commissary of Prisoners be and he hereby is directed to permit Capt. ZACHARIAH FOOT with his nephew (a boy) and JONA BAKER of Barrington, to depart this State & proceed to Cape Persew in Nova Scotia, in a Small Vessel bound from Salem—he giving his Parole, that on his arrival there to procure the Exchange of Prisoners in the Hands of the Enemy of Equal Rank with themselves—and Capt. Olney is hereby permitted to present said Foot with a Barrel of Flour & other articles in Consideration of the Humanity and Benevolence manifested to him & his Crew after the Capture of the Cabot, a Continental Sloop of War

Attest

JOHN AVERY, D. Secy.

\* \* \* \* \*

Extract from a letter dated at Machias, May 18, 1779, from COL. JOHN ALLAN to HON. JEREMIAH POWELL:

\* \* \* "I have further to acquaint the Hon'ble Board, that the tolerations and permissions given so liberally for people to settle their Business & remove their Effects from Nova Scotia, has terminated in an open Trade & that a plan is without any manner of Doubt, on foot to Turn the Greatest part of the business Eastward to Nova Scotia.—Several families has Left this for Passamaquoddy & some to St. John's, and the Leading people seems to Defy all Authority. \* \* \*—I beg for the Honor of the Country & the real Interest of the States, that a restraint may be Laid to prevent this Conduct," etc.

Extract from the Resolves of Massachusetts (Chapter CXLIII—1779)

\* \* \* "And whereas great inconveniences have arisen, and Damage accrued to this State by persons being permitted to go from hence to Nova Scotia, under pretence of removing their Effects, which has terminated in an open Trade with the Enemy in some parts of this State: Therefore

RESOLVED, That in future no person upon any pretence whatever shall be permitted to go from any Part of this State to Nova Scotia, until the further Orders of this Court."  
Passed June 22d 1779.

It is quite probable that Col. Allan, in his letter as above, did not refer to the intercourse between our people and the citizens of Massachusetts proper, but to the trade being carried on by renegades of both sides between that part of Massachusetts now comprising Eastern Maine, and that part of Nova Scotia which forms the present Province of New Brunswick. Nevertheless there appears to have been no communication between our people and Massachusetts until the following September.

\* \* \* \* \*

To the Honourable the Council and Hon'ble the House of Representatives in the State of Massachusetts Bay in General Court Assembled—

The Petition of PHILIP GOUDY, and Inhabitant of Caper Sue

Humbly Sheweth

That Your Petitioner in a Small Shallop Schooner from Halifax bound to Caper Sue with some few Stores for himself and some other distressed Families there was taken by a

Boston Privateer and brought into Boston, the Owners of which Privateer from a conviction of the friendly disposition of your pet to the American Cause, and for the kindness shown by him to all Americans who were drove ashore at Caper Sue by the British Vessels of War, generously restored to him his said Vessel &c

That your pet has in fact laid himself out to aid and succor every American that have been drove there, he has assisted in Liberating some from Prison and aided them getting home to their friends.—And Now he is about Sailing for Capersue with the Small Stores he has got on Board for the relief of his Family and Neighbors, if he can obtain Your Honors protection from American Privateers.

He therefore humbly prays your Honors would be pleased to permit him to sail for Caper Sue and that your Honors would be pleased to Grant a protection that he may not be captured by any American Privateer.

And as in duty bound shall pray

PHILIP GOUDY, his  
X  
mark.

Boston, Sept. 22, 1779.

To all whom these Preasants Shall Com

Gentlemen—Commanders of the American Privateers or Cruisers along the Shore of Nova Scotia—Should You in Your way or Cruise Meet with Capt. Philip Goudy going to or coming from Halifax with or after supplies for his family, Please My Dear Countrymen & friends to let him pass you unmolested for the Great many favours wich I have Received from him with part of My Crew. Him & his Brother James Goudy & there Interest for Gentlemen & Friends. They have been very friendly unto me & my Crew & helped me & them when in Distress & Difficulty & as far as I can Discover are Very friendly to Many others or all our friends & Neighbors in the American Cause. So Gentlemen & for my Sake & the Sake of Many others of our friends which may Meet the same Disasor which I have, Grant me my humble Petchon.

JOSEPH SALTER

Commander of the Schooner Raven from Marblehead—Yarmouth, May 20, 1779.

N. B. Gentlemen, I was drove on shoar by tow British Cruisers Bruchram & the Sloop called the howe

on Saturday, May the 15.

The further petition of PHILIP GOUDY of Caper Sue,

Humbly Sheweth,

That he lately exhibited a petition to your Honors praying that he might be protected on his Voyage from American Cruizers

That it is now more than three months since he left his family with a scanty supply of Bread Corn, and as all American Prisoners that way resort to his house and are constantly Supplied with whatever he has that they want, he thinks by this time his family is out of Bread.

He therefore prays your Honors would permit him to Carry with him forty bushels of Grain.

And as in duty bound shall pray,

PHILIP GOUDY, his  
X  
mark.

Granted Oct. 6, 1779.—*Mass. Archives*, Vol. 224, p. 340.

To the Gentlem Owners of the privateer Little John & all Concerned

And All Charitable disposed persons

The humble petition of PHILIP GOUDY, an Inhabitant of Capersue, in Nova Scotia, Sheweth

That during the present Struggles between the United States of America, your humbler has constantly aided the American Cause, and afforded Aid and Assistance to all the Americans who happened to fall into the hands of the Britains, and came there, by Supplying them with Provisions & Every necessary Article in his power.

That your petitioner in a Small Shallop Schooner Sailed from Halifax about Three Weeks ago bound for Capersue having on board 10 hogsheads Salt, 4 barrels of Flour, Three hundred weight of Sugar, 1 barrel of Pork and Sundry other Articles belonging to your

petitioner and a number of families at Capersew—by means whereof your petitioner & others there are very much distressed.

Your petr begs All Charitable disposed persons would be pleased to Afford him some relief

[Unsigned]

JAMES NESBITT, Master of the John Gives over his part.

We the Subscribers who have been Prisoners with the Britons Do hereby Certify that the said Philip Goudy has afforded us relief when in distress, and is a friend to the American Cause, And would beg leave to recommend him to all Charitable disposed persons, now he is in distress. Witness our hands.

The Subscriber Was a Prisoner in Full-fax—Got out of Gaol by the help of Mr. Goudy and was in his boat taken by the little John bound on my way home.

HENRY DARLING  
DAVID MITCHELL  
Lieutenant of the Arme  
Ship General Sullivan  
Thos Manley Commr

April the 26th.

This is to Surtify to al. Capt. of privaters that Belonging to A. Mariak that I have Released Capt. Gowday for his Grate help to our prisoners Upon this Shore if all Gentlemen will Do the Same thay Will a blige thairs to Sarve

JOHN MARSH.

This may Certify to all whom it may Concern that Mr. Phillip Gouday of Cappersew, was taken in a Small Schooner by Charles Anderson in the Privateer Sloop littell John and brought into the Port of Boston, and upon examination it appears that the said Gouday has been friendly to our prisoners Who have been driven on that Shore by the Enemy, therefore the owners of Said Sloop and Crew have given Said Gowday his Schooner And goods again.

JOHN WAIT, Agent for Sloop.

Boston, September 22, 1779.—*Mass. Archives, Vol. 224, p. 232.*

\* \* \* \* \*

To the Honble Council & Honble House of Representatives of the State of Massachusetts Bay.

BOSTON, 28th Sept 1779.

May it please your Honors

The Petition of David Corning, Zachariah Foot & others, Humbly sheweth that they having by the kind interposition of your Honors, obtained some consideration for the losses they sustained by the Privateers, are under the disagreeable necessity of again troubling your Honors with this Petition before they can leave this State. Nothing but the distress & want of four Families of which your Petitioners are the Guardians & the Heads could palliate for again troubling your Honors with a new request. But distress in so tender a connection gives a sanction to what otherwise might be presumption. Your petitioners humbly request the liberty to take with them about ten or twelve Bushels of Grain Corn or Barley, or much as their friends will supply them with for each of their families during the approaching Winter (as they have no other prospects of supplies) and a few onions. Your Honors may depend upon the strictest compliance & the most punctual observance of whatever liberty you are pleased to give. Sensible of the obligation they would readily engage to make a suitable return to any American that needed their assistance. Your Petitioners Humbly Submit themselves & cases to your Honors and as in Duty Bound shall ever pray.

ZACHARIAS FOOT  
EBENEZER CORNING  
DAVID CORNING  
EBENEZER CORNING, JR.

From the above it appears that the petitioners had some time previously sought redress

for depredations committed upon their property by American Privateers, and that the General Court had caused them to be reimbursed, in part at least, for the losses they had sustained. If such was the case the petition setting forth their grievance has been lost; nor do the Records of the General Court contain any reference to any action in their behalf. Their petition in this instance was granted, thus,—

State of Massachusetts Bay.

In Council, Septem. 30, 1779.

On the Petition of Zachariah Foot, Ebenezer Corning, David Corning and Ebenezer Corning, Junr, Inhabitants of Nova Scotia, praying for Liberty to proceed to said Nova Scotia in the Schooner Betsey with a Small Quantity of grain for the use of their families, also a few onions.

Resolved that the prayer of their petition be granted, and that the Petitioners be and they are hereby permitted to depart this State and proceed to the Province of Nova Scotia in the schooner Betsey and to Ship on board said Schooner fifty bushells of Grain and a few Onions, for the purpose of Supplying their families there, It appearing that said petitioners have Exercised great friendship to many American Prisoners that have been Captured and Carried into said Province. And all Commanders of Armed Vessels belonging to this State are hereby directed, And all Commanders of armed Vessels belonging to any other of the United States of America are requested not to Molest Said Petitioners in their Voyage to Nova Scotia with their affects aforesaid or on their return from thence to this State with their families & Effects.

Sent down for concurrence

JOHN AVERY, D. Secy.

In the House of Representatives, Oct. 1, 1779.

Read & Concurred

JOHN HANCOCK, Spkr.

*Mass. Archives, Vol. 224, p. 235-6.*

## CHAPTER XV.

## State of Massachusetts Bay.

To the honorable the Council & the honorable the House of Representatives in General Court assembled.—

Boston, 17th November, 1779.

The Petition of SETH BARNES of Yarmouth in the Province of Nova Scotia,

Humbly sheweth—that altho' a nominal subject of the King of Great Britain Yet in principle & Heart he is a well wisher to the Country which gave him birth; that he has been of all the service to the Cause of the United States, which his local situation would admit of, he can make appear by plenary Evidence, particularly in aiding his Countrymen when Prisoners in the aforesd province in making their escape, six of which he has now brought with him after keeping them secreted in his house for some time at a considerable expense & great hazard. Your Petitioner therefore humbly prays that in return your Honors would be pleased to permit him to carry down a Quantity of Grain, some Cider, pork, &c necessary for the support of his Family, & some other Persons residing in the same town with himself equally well disposed.

Your Petitioner would extend his application still further & pray that your Honors would take the premises into your wise & candid consideration & grant him a licence & protection under the Seal of the sd State allowing him to carry on any trade that your Honors may think reciprocally advantageous to him and the sd State under such restrictions as your Honors in Your great Wisdom may think proper, more particularly an undisturbed Liberty to carry on the fishery, he going bonds that the Fish so caught together with their Effects shall be brought to the market of the Town of Boston or of some other town in the State aforesaid, and your Petitioner as in Duty bound shall ever pray

SETH BARNES.

The above petition was referred to a committee consisting of Moses Gill and Josiah Stevenson of the Council, and Messrs. Greenleaf, Tudor Williams of the House, who reported as follows,—

State of Massachusetts Bay )  
In Council Nov. 19, 1779 }

Upon the Petition of SETH BARNES praying for permission to carry down some necessaries to his Family at Nova Scotia Your Committee finds sd Barnes has had Two permits of this Court of Feb. 28 & March 2d, 1778—Said Barnes has brought up Affects on Account of said Permits.

Resolved that the said Barnes deliver into the Sec'y Office the two permits above mentioned.

Also Resolved that the Prayer of sd Petition be so far granted that the sd Barnes be & hereby is permitted to transport from this State in the Schooner Beaver said Barnes, Master, Vizt one hundred bushells of Corn, Twenty barrells of Cyder, Two bhd's of Molasses, Two barrels of Sugar, Two barrels of Rum & one hundred pounds Wt of Tobacco, and all Commanders of Ships of War and Privateers of this State are ordered and it is recommended to the Commanders of other armed Vessels not to Molest or impede the said Barnes in going from this State to Nova Scotia.

Sent down for Concurrence

In the House of Representatives, Nov. 20, 1779.

SAMUEL ADAMS, Sec'y

Read & Concurred,

JOHN HANCOCK, Spkr

Mass. Archives, Vol. 225, p. 27.



\* \* \* \* \*

Nov. 15, 1779. THOMAS FLINT, "Fisherman," of Yarmouth, petitions the Massachusetts General Court, stating that he had lately arrived at Beverly in his schooner the "Hannah," with a number of escaped American prisoners ten hogsheads of salt, and a considerable quantity of fish; that he has now disposed of the salt and fish;—and praying for permission to invest the proceeds in necessary supplies, also for permission to depart for his home and "to return again this Winter or next Spring with his Family & Effects into this State," etc.

His petition was granted Nov. 26, Capt. Flint being required to turn into the Secretary's Office the permit previously granted him. It is very likely that the permit referred to was the one dated June 29, 1778. The fishing license issued to him Feb. 20, 1779 was the only one of its kind issued to any inhabitant of Yarmouth during the war, although many petitioned for similar protections. It is highly probable that Capt. Flint prized this document above all others and used every precaution to prevent losing it.—*Mass. Archives, Vol. 225, p. 98.*

\* \* \* \* \*

Nov. 27, 1779. BENJAMIN BARNARD is granted permission to bring or send into the State of Massachusetts, effects sufficient to discharge sundry debts contracted before the beginning of the war, due to several inhabitants of Salem, from the estate of his brother, the late JOHN BARNARD.—*Resolves of Massachusetts, 1779, Chap. LXXXIII.*

\* \* \* \* \*

State of Massachusetts, December 1st, 1779.

To the Honorable the Council & House of Representatives of the State of Massachusetts Bay.

The Petition of WILLIAM GREENWOOD humbly sheweth,—

That your Petitioner about three months since, was loading a Vessel at Barrington, in Nova Scotia Government with effects belonging to a Person in this State & which were to be brought here according to a permit obtained from your Honors: but before he could get ready to sail, an Armed Boat belonging to the State of Rhode-Island, entered the Harbour of Barrington & cut the Vessel from the Wharf & Stript a Store thereon of the Goods which were the property to be brought up aforesaid.\* In consequence of wch your Petitioner has been detained from his Family for a long time & suffered to a great degree & as they must be in distress for the necessaries of life in an inclement season of y<sup>e</sup> year, Your Petitioner prays Your Honors to permit him to return to them at Barrington aforesd & that he may be allowed to carry there for the Support of his Family & a number of other Families equally distressed, Twenty-five bushels of Corn & Twenty-five bushels of Rye & that he may be protected from the unrelenting barbarity of Boats & other armed Vessels who never fail to execute their rapacity indiscriminately on all who are so unhappy as to be within their reach. Your Petitioner hopes your Honors will grant him the favor above mentioned, & that of taking a Boy from on board the Prison Ship to navigate his Vessel As he has no one on board but himself & he will give Bonds to return a person in Exchange for him.

And as an Honble Gentleman, who is a Member of this Court, will testify, he doubts not, that your Petitioner has extended his assistance to his Countrymen who were Prisoners in that Country. Your Petitioner further prays Your Honors that he may be permitted to return to this his Native state with his Family & effects in the Spring, & as in Duty bound shall ever pray,

WILLIAM GREENWOOD.

\*See Chap. XI.

Undoubtedly the "Honble Gentleman, who is a Member of this Court," was none other, than the Hon. John Pitts, of whom mention has already been made. Capt. Greenwood's petition was written by Mr. Pitts, whose hatred and contempt for American Privateers is very evident in the words italicized; and was originally signed "JOHN PITTS, in behalf of WILLIAM GREENWOOD," which was afterwards erased and signed by Capt. Greenwood in person. The petition was referred to a committee of both Houses consisting of Hon. Walter

Spooner, of the Council, and Mr. White and Dr. Metcalf of the House. That Mr. Pitts brought his influence to bear further in the matter is evinced by the fact that the following resolve is in his handwriting,—

State of Massachusetts Bay, Dec. 6, 1779.

The Committee of Both Houses on the Petition of WILLIAM GREENWOOD, praying for reasons set forth in his Petition that he may have leave to return to Nova Scotia and to carry some necessaries for the support of his Family & others & that he may return to this State with his Family & effects, report the following Resolve, Viz:

Resolved that the Prayer of the Petition be so far granted as that the said William Greenwood be and hereby is permitted to depart this State and go to Barrington in the Government of Nova Scotia, & to take on Board his Vessel Twenty-five bushels of Rye & Twenty-five bushels of Indian Corn for the support of his Family & other distressed persons there; and also that he hereby is permitted to return to this State with his Family effects. And all Armed Vessels belonging to this State are Commanded, and all those belonging to the United States are requested not to molest or impede the said Wm. Greenwood in his passage to or return from Nova Scotia, for the purpose aforesaid, but to afford him any protection & assistance in their power.

Which is Submitted

W. SPOONER, pr Order.

In Council Dec. 6, 1779.

Read & Accepted

Sent down for Concurrence

JOHN AVERY,

In the House of Representatives, Dec. 6, 1779.

Read & Concurred

JOHN HANCOCK, Spkr

*Mass. Archives, Vol. 225, p. 219-20.*

\* \* \* \* \*

Dec. 6, 1779. NHEMIAH PATCH, of Yarmouth, petitions for leave to depart from Boston, where he lately arrived in the Schooner "Rosanna," having on board eleven escaped American prisoners, and a quantity of fish and salt. He states that he has fifty bushels of Corn at Cape Ann (Gloucester) which he desires to take with him, as well as a few other articles. Granted.—*Mass. Archives, Vol. 176, p. 50.*

Dec. 8, 1779. ELISHA ELDRIDGE, of Yarmouth, petitions for and is granted permission to return to Cape Forchu in the "Rosanna," Capt. Patch, and to carry with him 50 bushels of Corn, the proceeds of a quantity of fish lately brought by said Eldridge to Boston.—*Mass. Archives, Vol. 186, p. 32.*

## CHAPTER XVI.

*To the Honble Council and the Honble House of Representatives of the State of Massachusetts in General Court Assembled at Boston.*

**The Petition of JEREMIAH CONNELL, of Boston**

**Humbly Sheweth—**

That about a year ago he had a large boat stolen from him and carried away, Supposed to be done by some prisoners here, and he could not till lately obtain any Intelligence of her, and is now informed that his said Boat is now at Capersew, and that if he can Obtain leave to go down there, he may without much difficulty Recover his said Boat again.

He therefore humbly prays your Honors would be pleased to grant him a permit to go down to Capersew in the Schooner *Rosauna*, whereof Nehemiah Patch is Master, for the recovery of his boat aforesaid.

And as in duty bound shall pray &c.

JEREMIAH CONNELL.

Boston, Dec. 6, 1779.

Mr. Connell's petition was granted on the following day, but Capt. Patch sailed without him, probably suspecting his motives for visiting Yarmouth to be none too good. On Dec. 30th following, Connell petitioned for, and was granted permission to sail for "*Caper Sue*," in the Schooner "*Polly*," Capt. Brown, and to carry a small quantity of provisions with him.—*Mass. Archives*, Vol. 176, p. 79.

Connell was an ingenious rascal, and the following documents will show how he overreached himself in this instance. He was at one time a prize-master in one of the small privateers infesting the coast of Nova Scotia and evidences of his brutal conduct towards our people may be found in the Archives of Massachusetts.

State of Massachusetts Bay.

*The Honourable the Great and General Assembly for said State.*

**The Petition of JAMES KELLEY of Cape Porsua**

**Humbly Shews**

That on the 5 Sep: A. D. 1778, There was offered for Sale at Cape Porsua a Certain Shallop of the burthen of Ten Tons which your petitioner purchased for Twenty Pounds Currency Equal to eighty Spanish Mill'd Dollars. That sometime in January last one Jeremiah Connell Mariner came from Boston with a permit from your Honours and informed your petitioner that the Boat purchased was his property and was run away with from Boston by persons unknown. Several Gentlemen Friends to the United States hearing of the Affair & being loth that yr petitioner should ignorantly suffer by the purchase, and anxious that sd Jeremiah should have his boat returned to him, agreed to make a Collection of the Sum of Money advanced and accordingly did raise the purchase sum, and took away the Boat. that Zachariah Foot, one of the Gentlemen received the Boat & together with several other persons delivered the Boat to said Connell who took Charge of her & hall'd her off from the place she then lay at to the Wharf. The night following there came up a violent Storm of Snow, Rain, &c which forced said Boat from her Moorings on the Rocks the other side where she bilged and received great damage. In this situation the said Connell came next day and

found his Boat. as y<sup>r</sup>. Petitioner had not received the Money raised it was agreed by the Gentlemen, and so Connell that the Boat should remain their property & the Money belong to him. It was proposed that the Money should be paid him the next Morning, but contrary to expectations the said Connell, with another person that Night became Robbers & broke open the Store of Capt. Nathl Atwood and stole thereout sundry Merchandize which were found upon them by a Warrant from Justice Bingay. they were sentenced to pay the Costs without Damage, being Americans. That the Boat in said situation was not Worth the sum of Twenty Dollars which your petitioner paid the Justice for the costs of prosecution by the desire of said Connell. the Gentlemen then Noticing the Conduct of said Connell determined not to let him have the Money raised and that the Boat should belong to your petitioner for the Money he advanced. upon their determination he set about repairing said boat and laid out and expended thereupon to the Amount of One hundred and Twenty Spanish Milled Dollars. That on or about the 20th of July last said Boat was Captured by an American Privateer and sent into Beverly. The Owners of said Privateer knowing said boat to belong to your petitioner declined prosecution & sent Word to your petitioner that they were ready to deliver him his Boat. agreeable to their Advice your Petitioner came from Cape Porsua and on his arrival was told that said Connell had attached the Boat as his property on Saturday the 2d Instant. Y<sup>r</sup>. petitioner in this Unhappy Situation humbly supplicates your Honors that you would be pleased to interpose in the Affair so far as to grant an Order, that the Owners of the privateer deliver him his boat notwithstanding said Attachment by Connell, or that said Connell if permitted to hold the Boat, reimburse your petitioner the said sum of One hundred & Twenty Spanish Milled Dollars he advanced for repairing the Boat or such other relief as you in your Wisdom shall see meet for him & he as in duty bound will pray,

JAMES KILLEY.

Sept — 1780.

State of Massachusetts Bay.

In Council, Sept. 8th, 1780.

Resolved—that the Petitioner James Kelley be and hereby is directed to serve the Adverse Party with a Copy of his Petition and this Order, that they may show Cause, if any they have, on Thursday the 14th Inst., why the Prayer thereof should not be granted.

Sent down for Concurrence

JOHN AVERY, Dep. Sec'y.

In the House of Representatives, Sept. 8, 1780.

Read & Concurred

JOHN HANCOCK.

The following reply to Capt. Kelley's petition from Connell is interesting chiefly because, of its very detailed and vivid description of incidents that never occurred.

To the Hon. Council & Hon. House of Representatives, In General Court Assembled, the 17th Sept<sup>r</sup> 1780,—

The Memorial of JEREMIAH CONNELL of Boston, Mariner, Humbly Sheweth that Your Memorialist is Cited Before Your Honors, to answer the Petition of James Kelley of Cape Forchue in Nova Scotia, —

That Your Memorialist, in Dec<sup>r</sup> 1779, Had a Permitt from Your Honors to go To Cape Forchue after a Boat Stolen and Carried away from him from Boston in the year 1778 & Carried to said place by Persons unknown. That Your Memorialist Proceeded to Cape Forchue in January 1779, [9-1780] and found his Boat in Possession of James Kelley Who Refused delivering her to him, and did not believe I was from Boston. Untill I Shew him Your Honors Permit. Then he said he had No great Prize by the Boat but Should have A great deal better if he had Hancock & Adams.

That Your Memorialist Asked him how he Could have Such Ill will against them when he had a permit to go backwards & forwards to Trace—That Kelley Said D—n them, he lost more by them than Ever he got. That your Memorialist then Demanded his Boat of Said Kelley who Used her above Eighteen Months Who Said I Should not have her and that he might return his Permit to the Council if he pleased. about this time a Salem privateer

brought in a prize belonging to Halifax Which made most of the Town Muster to take the Prize from the Privateer and wanted Your Memorialist to Joyn them Who refused to be Concerned which Prejudiced Some of them against Him, Especially Mr. Kelley, & his Comrades—Blaney, Foot and Bernard, Who give him No Peace, the people would have paid Kelley for the Boat if he would deliver her to your Memorialist, but he would not. Then he Cut her a Drift from a very Secure Place and Let her go on the Rocks Where she took great Damage. Your Memorialist was out of all hopes of Getting her and wanted to Return home. Then Said Kelley & his Comrades Charged him with Stealing of Goode from a Store which were Misaid and then found, for which Your Memorialist was Taken up by said Kelley and his Comrades & Confined, Carried before a Justice and Honorably acquitted. Then was refused Liberty to go home Until Kelley & his Comps had been to Halifax & returned, but Before they got Back your Memorialist got away & came home, Since Which The Said Boat is Captured and Brought into Marblehead, Which Your Memorialist Prays he may have, and He as in Duty Bound Shall Ever Pray, &c,

JEREMIAH CONNELL.

In Council Sept. 14, 1780.

Read & Ordered that Joseph Simpson Esq; with such as the Honble House shall join be a Committee to take this Petition into consideration & answer thereto, hear the parties who are present & to report what may be proper to be done thereon.

Sent down for Concurrence

JOHN AVERY, D. Secy,

In the House of Representatives, Sept. 14, 1780,

Read & Concurred & Col. Bagley & Capt. Curtis are Joined

JOHN HANCOCK, Spkr.

The Committee to whom was Committed the petition of JAMES KELLEY and the answer thereto of JEREMIAH CONNELL, have attended the Service, heard the parties, and report that the petitioner have leave to withdraw his petition, which is Submitted.

JOSEPH SIMPSON, p<sup>r</sup> Order

In Council, Sept. 14, 1780

Read & Accepted

Sent down for Concurrence

JOHN AVERY, Dp'y Secy.

In the House of Representatives, Sept. 19, 1780.

Read & Non-Concurred—and the House agree to the Resolution annexed.

Sent up for Concurrence

JOHN HANCOCK, Spkr

In Council, Sept. 19, 1780.

Read & Concurred

JOHN AVERY, D. Secy.

In the House of Representatives, Sept. 18, 1780.

Whereas JAMES KELLEY, an Inhabitant of Nova Scotia has represented to this Court that a Boat which he purchased of JEREMIAH CONNELL, of Boston, Mariner, was captured by an American Privateer, and brought into Beverly in July last—That the Owners of said Privateer knowing him to have been friendly to the United States and to have assisted divers Prisoners in making their Escape from Captivity, were willing that said Boat should be re-delivered to him, but that said Jeremiah Connell has replevined said Boat out of the

Hands of the Owners of said Privateer as his Property, and whereas the said James Kelley has requested the Interposition of this Court for his relief—Therefore

Resolved, that the said James Kelley be permitted to appear in the Court at which said action of Replevin is to be tried and there taking upon himself the Defence of said Suit & to avail himself of all and Every Transaction Circumstance and Contract respecting the said Boat, to every Intent and Purpose, as if said Transactions Circumstances and Contract had been done, transacted and made within this state and as if the said Kelley was an Inhabitant of this State, any Law of this State to the contrary notwithstanding.

Sent up for Concurrence

JOHN HANCOCK, Spkr

In Council, Sept. 19, 1780.

Read & Concurred

JOHN AVERY, Dep.

*Mass. Archives, Vol. 229, pp. 98-102.*

If the matter of "CONNELL *versus* KELLEY" ever came to trial the writer has been unable to find any record of it. It is his opinion that the matter was settled out of Court, probably by a complete surrender on the part of the plaintiff, who evidently found his position untenable. On the same day that Capt. Kelley was given permission to defend his property in the Courts of Law, he petitioned for leave to return home in the same vessel, already restored to him, and to take with him a quantity of provisions for himself and Ebenezer Porter, who accompanied him, which petition was granted.—*Mass. Archives, Vol. 229, p. 71.*

## CHAPTER XVII.

Feb. 24, 1780. ELISHA ELDRIDGE petitions for leave to return to Yarmouth in the schooner "Rosanna" with provisions, and to return to Massachusetts with his effects. Granted. *Mass. Archives, Vol. 176, p. 206-6.*

April 3, 1780. THOMAS FLINT and ZACHARIAH FOOT petition for permission to dispose of a quantity of salt and fish and to invest the proceeds in provisions, also for protection in transporting the same from Boston to Yarmouth. They mention having brought a number of escaped prisoners with them, in the schooner Hannah. Granted.—*Mass. Archives, Vol. 176, p. 320.*

April 21, 1780. SETH BARNES, of Yarmouth, in a petition to the General Court, states that he has lately arrived at Marblehead with a considerable number of escaped American prisoners; that the Naval Officer at Marblehead will not permit his departure without the order of the Court; and prays that he may be allowed to sail from that place to Boston, where he desires to exchange a small amount of property for necessary supplies, and to sail from thence to Yarmouth free from molestation; also that a fishing permit be granted him. With the exception of the last clause his petition was granted. It was accompanied by a certificate from the returned prisoners, thus,—

MARBLEHEAD, April 19th, 1780.

To the honorable Council & house of Representatives in the State of Massachusetts Bay.

We whose Names are hereunto Suscribed having bin prisners in Nova Scotia & received assistance and Relief from Capt. Seth Barnes of Yarmouth in Nova Scotia a foreSaid & by him helped and brought to this State Think ourselves in duty bound to inform This Honorable Court of the friend Ship we have Received & likewise to beg that the Said Seth Barnes may have Such Indulgences granted him as Such Conduct toward Prisoners Merits.

JOHN COLYER  
J—\* TOPPAN  
THOMAS COURTIS

BENJAMIN STEVENS  
JEREMIAH LEE  
JOHN STACEY  
AMOS LEFAVOUR.

*Mass. Archives, Vol. 227, p. 263-5.*

\*Illegible.

To the Hon'ble the Council and the Hon'ble the House of Representatives of the State of Massachusetts Bay.

Humbly Sheweth SARAH LEWIS, that WAITSTILL LEWIS, my husband, with your petitioner, some years since, went from Rhode Island to Halifax, where we kept a public House, and by keeping good order lived in much reputation and got considerably beforehand. But at the commencement of Hostilities between Great Britain and the Colonies, and hearing of the fight at Concord, my husband was like a distracted man to get away from Halifax, to help his country where he was born against the British King, and as he could not get away

directly from Halifax, he went to Liverpool with his family, and got to Boston directly upon the Troops leaving it, and left almost everything behind, and said he would rather be a beggar in his own country with Liberty, than a rich man at Halifax under the then present government, and after giving all the help he could to the War, thinking to do better for his large family, to get two and a half shares he went Steward on board the Sturdy Beggar Privateer, almost three years ago; which Vessel is supposed to be foundered at Sea. This grievous affliction was most severely felt by your petitioner, But a kind providence kept me along with the assistance of my son, who went to Sea and was exceedingly kind and tender to his Widdow Mother. He was in the West Indies last Summer, and gave an acquaintance of his hard money to buy a barrel of Sugar and a bag of Coffee to bring home for me, but the man sold it and spent the money, And I was not able to get any more than three hundred paper dollars\* for it, but this with hard labour, and a few dollars from one and another I have rubb'd through the Winter—Where my Son abovementioned is I know not but believe he sailed last out of Maryland, where I hope soon to hear from him, and have some relief. My next son of fourteen years old went with Capt. Dillaway thinking to get something to assist me a few months ago, and was taken and is now in Gaol with the Enemy, And I have four children now at home with me, The oldest but nine years old who turns a wheel for a twine spinner for a dollar a day,\* & I find him victuals—the next is a little tender girl of six years old—the next four, and the next a little better than two and was born six months after my husband went away. And I have a breeding sore in my hand that adds greatly to my other troubles, as it prevents me from labouring. And your petitioner is now in great distress—almost to distraction—knowing not which way to turn, or go, and must without some help sell my Bed from under me, to pay my rent and get some necessaries. Your petitioner feels grieved to trouble your Honours with her case, but great & pressing necessity urges me, and I would not apply did I know of any other way in the world where to get relief in an honest way. I therefore most earnestly pray your Honours would hear me, and as I can bring sufficient evidence to the truth of my Representations, I hope for that relief which your Honours from your Compassion & Benevolence to the Widdow & fatherless who has none other to help, shall seem meet to bestow, and your petitioner as in duty bound will ever pray,

SARAH LEWIS

Boston, April 27, 1780.

State of Massachusetts Bay

In the House of Representatives, Apr. 29, 1780

On the petition of Sarah Lewis

Resolved that there be paid out of the Public Treasury of this State the sum of Two hundred pounds, to Sarah Lewis, for reasons set forth in her petition  
Sent up for Concurrence

JOHN HANCOCK, Speaker

In Council Apr. 29, 1780.

Read & Concurred

JOHN AVERY, D'y Secy.

Warrant drawn this Day.

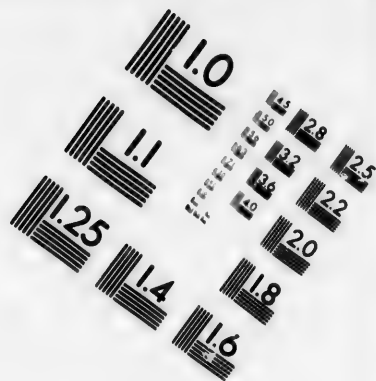
*Mass. Archives, Vol. 180, pp. 191-24.*

The ancestry of Waitstill Lewis of Yarmouth has always been an unsolved genealogical puzzle. A search through the "Vital Statistics of Rhode Island" and Austin's "Rhode Island Dictionary" has disclosed the following, which may be of interest to his numerous descendants.

JOHN LEWIS was at Westerly, R. I., as early as 1661, for on Mar. 22 of that year he signed certain articles relating to Misquamicut lands. He was made a Freemason Oct. 28, 1668 and took the oath of allegiance Sept. 17, 1679. The name of his wife is not given. He had seven

\*The paper currency issued by the Colonies during the war was so depreciated in value as to make these seemingly large sums mere pittance.





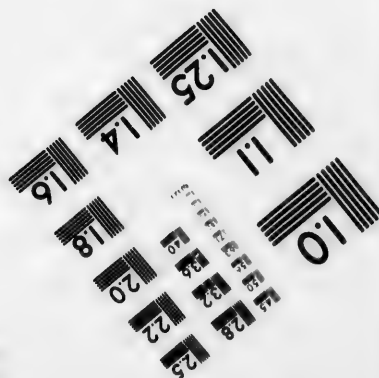
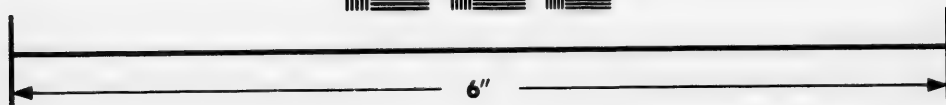
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sons and one daughter, and from him is descended a numerous and highly respectable posterity.

That he was the ancestor of Waitstill Lewis, Sr., there can be little doubt, although the line of descent has never been established. "Wait" Lewis married at Westerly, Oct. 2, 1754, Sarah Bliven, (born May 26, 1736,) daughter of Edward<sup>2</sup> Bliven and Freelove Swaros. Edward<sup>2</sup> Bliven was the son of Edward<sup>1</sup> Bliven, an early settler of Westerly, who married Oct. 2, 1691, Isabel, daughter of John Maccoone. John Maccoone is supposed to have emigrated from Aberdeenshire to Westerly before 1689. His wife's name was Anna.

Among the many colonists who removed to Nova Scotia from Rhode Island in 1759, were several representatives of the Lewis Family. As shown in the petition of Sarah Lewis, above, her husband, Waitstill, Sr. was one of these, and that he returned to Massachusetts in time to fight for American Independence and thereby lose his life is also made evident.

Shortly after Mr. Lewis' arrival in Boston he enlisted as a private in Capt. Caleb Brooks' Company, Col. Dike's Regiment and served from Dec. 14, 1776, to Mar. 1, 1777. His residence is given in the Muster and pay rolls as Cape Sable. He probably re-enlisted in Capt. Thomas Bumstead's Company, Lieut. Col. Jabez Hatch's Regiment, for on May 7 following he was one of a detail drafted from that company for guard duty at and around Boston under Gen. Heath, upon which service he was engaged five weeks.

There were several privateers commissioned by the Massachusetts Government called by the name "Sturdy Beggar," and there are no means of positively identifying either of them as the ill-fated craft in which Waitstill Lewis, Sr., lost his life. From circumstantial evidence, however, the writer feels quite certain that the following described vessel was the one.

The Brigantine "Sturdy Beggar," Heman Doane, Commander, John Dealey, 1st Lieut., William Moors, 2nd Lieut., James Smith, Master, mounting fourteen carriage and a like number of swivel guns, provisioned with 80 bbls. Beef & Pork, Eight Tons of bread and flour, carrying 1500 lbs. of powder in her magazines, and manned by a crew of 90 men, was commissioned July 26, 1777.

*To the Honorable the Council of the State of Massachusetts Bay*

Humbly Sheweth

The petition of WAITSTILL LEWIS, of the Province of Nova Scotia. That your petitioner is a New England man born tho' for several years past has lived at Cape Sue, and can bring incontestible proof of his friendship to this Country. He has ever since the Contest between Great Britain & America done everything in his power to aid & Assist the Unfortunate American Prisoners, that have come to his knowledge—at a considerable expense has fed them, and sent or brought them to their own homes, at no small risque of his person & property. And the Certificate accompanying this petition will convince your Honors in part of the above representation. Your petitioners Father, two years since lost his life in the American Cause—And leaving a wife with several small Children who are now in Boston, is a considerable inducement for him to come here, and administer such relief to his Mother &c, as his Circumstances will admit. Your petitioner asks for no pay for the prisoners he has brought with him, or for hiding and supplying them when at his house. But as he has a Boat at the Extent not more than fourteen Tons, on board of which he has about forty Quintals of Fish; and would wish to sell the same, and obtain leave from your Honours to purchase One barrel of Rum, one barrel of Molasses, One barrel of Rice, Half a bbl. of Sugar & Ten bushels of Grain, and to return again to Cape Sue with the above mentioned Articles, or such part of them, as Your Honours will please to permit. And your petitioner will in future endeavor so to demean himself as to recommend him for further favours should he need them—And as in Duty bound will ever pray,

WAITSTILL LEWIS.

Boston, Aug. 4, 1780.

Boston, Aug. 8, 1780:

These may certify whom it may Concern that we whose names are hereunto subscribed when prisoners in Nova Scotia, have received signal Friendship & kindness from the people at Cape Forchu & in particular from Mr. Wait Still Lewis who was so kind as to bring us from thence into this State, free of all charge, for which instance of kindness we wish he may be rewarded with every Indulgence from this State that such conduct towards Prisoners when in Distress deserves.

(In the handwriting of  
Mr. Samuel Sheldon Poole.)

ENOCH PARSONS, Cape Anne,  
NATHL ELLERY, Cape Anne,  
BENJIN BROWNE, New London,  
EDWARD TOLDEROY, (?) N. Carolina,  
JOHN SINNOTT, Cape Anne,  
W— RUSSELL, Portsmouth,  
DAVID MANSFIELD, Massachusetts.

Mr. Lewis' petition was granted in Council on the day it was received. He was permitted to sell his fish, purchase the provisions specified and was given forty days in which to complete his business and leave the State for Yarmouth.—*Mass. Archives*, Vol. 176, p. 596-7.

Boston, August 8th, 1780.

To the honourable Council of the State of Massachusetts Bay.

Gent:

Humbly Sheweth the Petition of *Samuel Sheldon Pool*, an inhabitant of Cape Forchu in Nova Scotia, Whereas sundry articles, the Property of your humble Petitioner were not included in the report made to Council yesterday by Wait Still Lewis, Master of a Schooner from Cape Forchu, your humble Petitioner would beg leave to represent the same & pray for that indulgence which your honours would be pleased to grant him. The particular articles are one hundred and ten Pounds of steel, five Quintals of Cod-fish, ten Grind-stones and fifteen Moose Skins. Your humble petitioner would beg leave to dispose of the above mentioned Articles, and to carry to Cape-Forchu, one Barrel of Rum, one Barrel of Molasses and ten Bushels of Grain or such Quantity as your honours shall think proper to grant.

And as in duty bound your humble Petitioner shall ever pray

SAMUEL SHELDON POOL.

State of Mass: Bay,

Council Chamber, Aug. 7, 1780.

Read & Ordered—That Samuel Sheldon Pool be and hereby is permitted to make sale of the articles imported in a small boat from Cape pursue mentioned in his Petition and transport in said small Boat of about fourteen Tons, One Barrel of Rum, one Barrel of Molasses, & ten Bushels of Grain from Boston to Cape pursue aforesaid in Nova Scotia, and the Naval Officer for the Port of Boston is hereby directed to grant the Necessary Papers—And All Commanders of Armed Vessels and others belonging to this State are directed, and All commanders of Armed Vessels and others, belonging to any of the United States are requested to permit the said Vessel to pass unmolested to Cape pursue with the said articles on board—This permit not to be in force longer than forty Days from the date hereof.

Attest

JOHN AVERY, D. Secy.

*Mass. Archives*, Vol. 176, p. 599.

## CHAPTER XVIII.

*To the Hon'ble the Council of the State of Massachusetts Bay and the Hon'ble House of Representatives in Gen. Court Assembled.*

**The Petition of JOSEPH DEXTER of Liverpool in the Province of Nova Scotia**  
Humbly Sheweth

That upon a Complaint made by one ROBERT FOSTER to the Governor and Council of Halifax against your petitioner, being charged by said Foster with High Treason, for Aiding and Assisting the American Prisoners and procuring their Enlargement; Upon which Complaint he was in November last taken up and Committed to Gaol in Liverpool 'till he could be carried to Halifax for Tryal, from which he found means to make his Escape and came to Boston.

That Afterwards his Wife with Six Children, one at her Breast, Sailed from Liverpool in a Schooner bound for Boston, And on their passage were taken by the Schooner Washington of Newbury Port, Capt. Preston Commander, the armed Schooner Lizard, Capt. Blackley in Company\* who carried them into Newbury Port, first taking a number of articles from them and distressed his Wife & Children and turned her on Shore at Newbury Port where she was destitute of all Friends and Acquaintance.

That your petitioner has been informed that the said Robert Foster was sometime ago a Prisoner here and went away in a Cartel Brig whereof Capt. Godfrey was Master, first giving Bond with Sureties in the penal Sum of One Thousand Pounds, Conditioned that he would not do anything to hurt the American Cause or any of the Friends thereof: Notwithstanding, he had not Arrived at Halifax three days before he made the aforesaid Complaint against your petitioner, and came himself in the Dead of Night with a Guard and carried him to Prison.

That your petitioner with his Family are in very distressing circumstances, having left all their substance behind, and great part of his Sufferings has arisen on Account of his Friendly disposition to the American Cause.

Your pet'r would humbly Submit to your Honors' consideration whether as the said Foster had forfeited his Bonds to the Injury of your petitioner, he ought not to be compensated out of the same.

He therefore humbly prays your Honors would be pleased to take his case into your Compassionate consideration, and grant him such relief as your Honors in your known Wisdom shall see meet.

JOSEPH DEXTER.

Boston, July 28, 1778.

State of Massachusetts Bay

In the House of Representatives, Sept. 3, 1778.

Whereas MR. JOSEPH DEXTER, of Liverpool in Nova Scotia has represented to this Court the great Sufferings and damages he has undergone in consequence of the Supplies and Assistance afforded by him to Prisoners belonging to this State who were in Said Province of Nova Scotia—Therefore Resolved that the Sum of Sixty Pounds Lawful money be paid out of the Publick Treasury of this State to JOSEPH DEXTER for the loss of two Boats which he Lent to the American Prisoners to make their escape, and also in full for all other assistance afforded to said Prisoners.

Sent up for Concurrence

JOHN PICKERING, Spkr.

*Mass. Archives, Vol. 219, p. 249.*

\*It will be noticed that these two American Privateers were the same who interfered with Messrs. Barnes, Pitts and Homer, as set forth in Chapter VI.

Warrant on the Treasury for \$200 was drawn in favor of JOSEPH DEXTER, on Monday, Sept. 21, 1778.

**State of the Massachusetts Bay**

*To the honourable the Council & the honourable House of Representatives in General Court assembled at Boston for the State aforesaid, April, 1779.*

**ROBERT FOSTER** humbly sheweth

That he is an inhabitant of the Town of Lunenburg in the Province of Nova Scotia where he hath a house & Farm.—That he went down to Lunenburg in the Year 1775 & previous to the Commencement of Hostilities, Leaving his Wife & Family in this State, where they have remained ever since. That soon after his Arrival at Lunenburg the War broke out & the Communication between Nova Scotia & New England ceased, for which reason he hath not as yet been able to remove his Wife & Family to Lunenburg. That after reiterated Applications he at length procured a Pass & Flag from the Government of Nova Scotia to come up to this State & remove his Wife & Family to Lunenburg, provided he could obtain a License for so doing from this Government. He accordingly chartered a Vessel for this sole Purpose & was on his Passage in her from Lunenburg to this State, when he was met by the privateer Greyhound belonging to Salem, commanded by one Benjamin Hammond, who captured, took & seized the sd Cartel on the 9th Day of April instant, notwithstanding he carried a White Flag at his Top Mast Head & was properly qualified to proceed as a Cartel Vessel for the Purpose aforesaid. I had done nothing whatever to forfeit that Protection which the Laws of Nations allow to Flags of Truce.—That after the said Hammond had seized the sd Vessel he set all the Hands ashore but your Petitioner, who was determined to accompany his Vessel and seek Relief here for the Outrage Committed against him: that Said Hammond after bringing the said Cartel into the Port of Salem, took from your Petitioner his Papers and made a Prisoner of him; all Which Allegations your Petitioner is ready to verify & prove. He therefore humbly prays that said Cartel Vessel & Appurtenances may be released & Your Petitioner be permitted to return in her to Lunenburg or Halifax with his Wife & four Children, agreeable to the Intent & Design of said Cartel; or that your Honors would take such other Orders in the Premises as shall afford effectual Relief to your embarrassed & distressed Petitioner & he shall ever pray

**ROBERT FOSTER.**

*Mass. Archives, Vol. 222, p. 147.*

Mr. Foster's petition was referred to a committee of both houses consisting of Timothy Danielson and Eleazer Brooks, of the Council, and Maj. Washburn, Maj. Goodman and Mr. Frazier of the House, for their consideration. In their investigation they were made the recipients of the following papers:—

*To the Honourable the Council & the Honble House of Representatives for the State of Massachusetts Bay, in General Court Assembled:—*

The Committee of Correspondence, Inspection & Safety for the Town of Boston, being Greatly concerned for the public peace and Safety, find themselves obliged to Represent to your Honors—That there is a general uneasiness in the minds of the good People of this Town on finding that such inimical & dangerous Persons as **ROBERT FOSTER** late of Kingston, and Joseph Dormett of this Town, are going at large among us.—Upon information given the Committee of the former, he was sent for, examined & Inquiry made concerning him & the Commtee being satisfied that he was a dangerous person, sent him to Joseph Henderson, Esq; Commissary of Prisoners, as a Prisoner, with a desire he might be confined, notwithstanding which, he is yet seen going at large. \* \* \*

\* \* \* The Committee would only take leave to observe that having as they apprehend, discharged their Duty, and done all in their power to preserve the publick peace and safety they would humbly leave it with the Honble Court to take such order in said matter as to them in their wisdom may appear necessary.

By Order of the Committee of Correspondence, Inspection & Safety.

**SAML RUGGLES, Chairman.**

Boston, Apr 27, 1779.

I, JOSEPH DEXTER, of Lawful Age, Late of Liverpool in Nova Scotia, Do Testify & Say that Sometime in the Month of November Anno Domini One Thousand Seven hundred & Seventy Seven, ROBERT FOSTER of Liverpool After his return from New England went down to Halifax in sd Province Aboveed and their Made a Complaint to a Justice of the Peace against me as being an Alder & Assistant of the American Cause & as one Guilty of High Treason, by reason of which I was apprehended & Carry'd to Prison at Liverpool aboveed, In order to be Carry'd to Halifax & their be Tryd, but found means to make my Escape. By means of which Complaint as aforesaid I have been Greatly Distressed, had a Grist mill Consumed by Fire & many Other Losses, was Obligated to Leave the Province of Nova Scotia, &c. &c.

JOSEPH DEXTER.

Plymouth, Apr. 28, 1779. JOSEPH DEXTER made Solemn Oath to the Truth of the above Declaration by him Subscribed before.

THOMAS MAHEW, Just. of Peace.

To the Honble the Council of the Massachusetts Bay.

I the above named JOSEPH DEXTER pray the Interposition of the Honble Council in My behalf, as I Understand that the sd ROBERT FOSTER is Now in Boston in a Flag of Truce from Halifax, more Espitally I am so far Reduced by the Prosecutions of the sd Robert as to be unable to proceed Against him in due Course of Law & Your Petitioner shall ever pray

JOSEPH DEXTER.

Plymouth, Apr. 28, 1779.

The Committee appointed to consider the Petition of ROBERT FOSTER, an Inhabitant of Nova Scotia and the Representation of the Committee of Safety, &c of the Town of Boston respecting said Foster Report the following Resolve.

TIMO. DANIELSON, p<sup>r</sup> Order.

State of Massachusetts Bay.

Resolved that the Council of the said State be & hereby are requested to order the confinement of ROBERT FOSTER, an Inhabitant of Nova Scotia and a Subject of the King of great Britain on Board the Guard Ship or in some other place which they may judge proper for his Safe keeping and as soon as may be send him together with wife and children, now in the Town of Kingston, in this State to Nova Scotia aforesaid, on his own expense.

In Council Apr. 28, 1779.

Read & Accepted

Sent down for Concurrence

JOHN AVERY, D. Secy.

In the House of Representatives, Apr. 28, 1779.

Read & Concurred

JOHN PICKERING, Spkr.

In the absence of any evidence to the contrary it is presumable that the order of the Council was enforced, and that Mr. Foster was sent back to Nova Scotia with his wife and children. Thus his object in visiting Massachusetts was accomplished, although in a different manner than he had intended. At the same time Mr. Dexter's evident desire for revenge was satisfied, in part, at least, and both had reason to cry "quits."

NOTE.—The matter composing this chapter appears out of its chronological order by reason of the fact that it was not discovered in time to be inserted in its proper place. It should have formed a part of Chap. XIII.—E. D. F.

## CHAPTER XIX.

*To the Hon'ble the Council and Hon'ble House of Representatives, of the State of Massachusetts Bay in Genl Court Assembled at Boston Apr. 1780.*

*The Petition of WM. GREENWOOD of Barrington, in the Province of Nova Scotia*

*Humbly Sheweth*

That your petitioner went from Barrington to Halifax to procure some necessaries for himself and others, and about three Weeks ago as he lay at a Wharff in Halifax with his Schooner of about Ten Tons, a Man came into his Cabbin under pretence to sell him a Shirt and soon after another Man came down with a like pretence, and then your petr went upon Deck and there he saw Six Men, and one of them asked your petr to Carry them up as far as Barrington. your petr told them it was dangerous for him to carry away Soldiers (they being all dressed in Regimentals) as he must expect to Suffer for it if he was Caught, Upon which one of them made Answer he would kill or be killed. your petr then replied he was their friend, and would carry them where they could get a passage home (as they said they were Americans) or would bring them home himself.—And the Wind being fair Abt Nine o'Clock at night he hoisted Sail and went out of Halifax, and made the best of his Way up along to the Westward, And when he had got about forty leagues to the Westward they Ungratefully took his Vessel from him & turned him & another Man ashore after Stripping him of all his Cloaths and Robbing him of his Money, and went away in her. And your petr is informed they since arrived in Casco Bay.

That your petr during the whole of this War has been Aiding & Assisting the American Prisoners in making their Escape, of all which he is able fully to prove.

Your petr therefore humbly prays your Honors would be pleased to interpose in his behalf, And Grant that his Said Vessel and Effects may be Ordered to be restored to him And as in duty bound shall pray &c.

WILLM GREENWOOD.

*In the House of Representatives, May 2, 1780.*

Read & Thereupon Ordered that Majr Cross & General Warren with such as the Hon'ble Board shall join be a Committee to consider the same & report what is proper to be done thereon.

*Sent up for Concurrence*

JOHN HANCOCK, Spkr.

*In Council May 2, 1780.*

Read & Concurred and John Pitts Esq'r is joined.

JOHN AVERY, D. Secy.

The Committee of both Houses on the petition of William Greenwood report the following resolve.

JOHN PITTS, p<sup>r</sup> order.

*State of Massachusetts Bay, May 3d, 1780.*

On the Petition of WILLIAM GREENWOOD setting forth that his vessel a small Schooner of Ten Tons called the Flying Fish was taken in a very extraordinary manner from him by a number of Men he was bringing up to this State & that the said Vessel is now in Falmouth, in the County of Cumberland or in some of the Eastern Counties & praying relief of this Court,—

Resolved that the prayer of the Petition be so far granted, that the Committees of Correspondence, Inspection &c for the Counties of York, Cumberland & Lincoln, or the Committee



aforesaid of any Town in Either of the said Counties where the Schooner Flying Fish belonging to said Greenwood is be, & hereby are impowered & directed to take into their possession the aforesaid Schooner until the further order of the General Court, and serve the Person or Persons, who had her in possession, with a copy of the Petition & the order of this Court thereon, that they may shew cause if any they have, on the second Wednesday of the next session of the General Court why the prayer thereof should not be granted—

In Council May 3, 1780.

Read & Accepted,

Sent down for Concurrence

JOHN AVERT, D. Secy.

In the House of Representatives, May 3d, 1780.

Read & Concurred

JOHN HANCOCK, Spkr.

I, RACHEL CHANDLER, of North Yarmouth [Maine] living on great Ohebeag Island testify & say that in the month of April last six men came to said Ohebeag in and with a small schooner. One called himself Reed another Hooper, another Forbes [or Forbush] another Jarvis, another Jenks, the others name I do not remember to have heard but he was a scotchman. said Reed repeatedly gave the following account in my hearing. He said He and all the rest had been prisoners in Halifax Gaol some months; that at length they dug out under the Gaol and went down upon a wharf, about eight or nine o'Clock in the Evening, in order to find a vessel to make their escape in—That they found said Schooner at said wharf & determined to seize her & come away in her, that his comrades sent him on board first, to find how many hands were on board—and that he went accordingly under pretence of selling a shirt, that Hooper came on board soon after under pretence of selling a razor—that they found only two on board & while they were talking in the Cabin with them the rest came on board & immediately began to Cast off the vessel from the Wharf, upon which He the said Reed and Hooper both drew their Bayonets & told the two men in the Cabin that the vessel was cast off & drifting out of the harbour, and if they offered to resist they were both dead men—upon which, Mr. Greenwood, one of the men belonging to the Schooner, finding it in vain to resist, offered to pilot the Schooner out, & they permitted him to take the helm, but he & Hooper stood the one on one side & the other on the other of him with drawn Bayonets & told him if he ran them ashore or offered to speak loud so as to be heard on shore he was a dead man. That when they were at sea Greenwood wanted them to go ashore at Cape persue to take on board some salt, he telling them he would put them into the hold & keep them & ret but that they told him they were not going to trust him & they would not suffer him to go on shore—And that afterwards they put him and another man on shore on an Island & gave them provisions enough to last them till they could get to the main. they were all present when Reed told his story & a'l agreed in it. And the men that purchased the Schooner of them were present when they gave this account. The said prisoners said as they lived in different parts of the Country & wanted to get home & money to bear their expenses they should be glad to sell the vessel, upon which the afores'd persons bought her—I further say that there was no person aboard by the name of Stanton as I then heard, but I have since been informed that said Reed afterwards made some tarry in Falmouth & there changed his name & called himself Stanton. I further say that the account said to have been since given & sworn to by him, according to the annexed paper is very different from what he repeatedly gave in my hearing & is many parts contradictory thereto.

RACHEL CHANDLER.

I, MARY HAMBLETON, of North Yarmouth, testify & say that I did repeatedly hear the above named Reed give the account above mentioned of his & his comrades escape from Halifax, in presence of the above named Rachel Chandler & of the above named persons who afterwards bought the sd Schooner, and heard the said prisoners offer the said Schooner to Sale for the reason above given—and said Reed & the rest constantly declared that they took the Schooner by force & without the leave or Consent of said Greenwood—and I also declare that the account contained in the annexed paper, said to have been since given on oath by sd Reed, by the name of Stanton, is very different from what he frequently gave in my hearing and in many instances conduits it.

her  
MARY X HAMBLETON.  
mark

Cumberland ss. Falmouth, May 2d, 1780, the aforementioned Rachel Chandler & Mary Hambleton made oath to the respective Depositions by them Severally Sign'd that they contain the truth & Nothing but the Truth.

CORAM ENOCH FREEMAN Just. Pacis.

ALMOUTH MAY ye 18th, 1780.

the examination of Wm. STANTON A Soldier in the American Service & was taken Near Stony point & Carried Prisoner to hallifax that on or about the twelfth Day of april Last about nine a Clock at Night he the s<sup>d</sup> Wm. with five more went on Bord Capt. Wm. Greenwood's Small Schooner then Laying at a wart at hallifax & Demanded that he would Carry us up westward as far as the east passage [i. e. Barrington]. That when we told him we belonged to america he readily consented on which he the said Greenwood immediately took the helm & steared the Schooner out of the harbour of Hallifax & went into a harbour about thirty leagues to the westward of Hallifax & that the said Greenwood took every prudent measure to prevent our being discovered. He went on shore while our vessel lay aground & never discovered us to the inhabitants & I really believe the said Greenwood might have taken said Schooner from us if he had been so minded. The next day put to sea & stood to the westward about five leagues when we met said Greenwood's brother in a Shallop with three men on board with him & that said Greenwood told us to keep below that we might not be discovered by his brother's crew. We proceeded about two leagues further when I was called upon deck by four of our Company & they told me they had agreed to set said Greenwood on shore on a desolate Island to which I would not consent. they also told me if they did not set him on shore they would kill him. But Greenwood telling them if they would Let a man that was with him with his chest on shoar he would carry them to Salem on which they promised they would do it but did not comply with their promise, on which Capt. Greenwood shewed them a permit he had from the Council of Massachusetts Bay, & when they thought they could not make a prize of her they insisted on killing said Greenwood & the man that was with him, on which I begged they would not but set them on shore, on which they said they would set him on shore if he would go, if not they would kill him, on which I went into the Cabbin & gave him to understand there was a plot & made signs to him to go on shore. he then begged of them to set him on Shore so that he might get to his family with his chest which they refused to give him but set him on shore after demanding his money with a cocked pistol at his breast, which he Delivered. We then persued our course to Casco Bay, but on our passage I told them said Greenwood would recover his Vessel again, two of them, viz. Thomas Hooper of Beverly & William Forbush of Salem, said if he came to Salem Marblehead or Botton they would knock him on the head & throw him over the Wharfe, on which I dare not say any more, & when we arrived at Casco Bay they sold the s<sup>d</sup> Schooner for Five Thousand Dollars.\*

his  
WILLM. X STANTON.  
mark

Cumberland SS.

May ye 18th 1780. then

Willm Stanton appeared & made oath to the Truth of the foregoing declaration sworn before me.

JEDIDIAH FREEBLE, Jus. pacis.

I, JACOB CURTIS, living on Great Chebeag Island in Casco Bay testify and say the same day that one James Reed (as he then called himself) and others came there in a small schooner last April, he heard them say at Mr. Jonathan Chaneller's house, that they took said schooner at Hallifax by force about nine o'clock one evening in order to make their escape from Hallifax where they had been prisoners, that one Greenwood, who was one of the men belonging to the Schooner, when he found he could not help himself, offered to pilot them out, but they suspected to run them ashore, if they had not have known as well as he, but that they prevented him, & afterwards coming up they put him and other man belonging to the Schooner ashore. They shewed me a Clearance which they said they found

\*Depreciated Currency.

on board & it was of the tenor of that hereunto annexed, & from thence and the present form & appearance of the same, I have no doubt the Clearance annexed is the same they shew me  
JACOB CURTIS.

Cumberland ss. Falmouth, May 3d 1780 the above-named Jacob Curtis made Oath to the Truth of the above Deposition by him. Sign'd

Coram Enoch FREEMAN, Just. Pacis.

**Port of Halifax<sup>a</sup>**

These are to certify all concerned, That Wm. Greenwood Master or Commander of the *Shallop Peggy* Burthen 9 Tons Having on Board Ballast and Stores and Fishing Geer

Hath Entered and Cleared at this His Majesty's Custom-House in *Halifax* according to Law.

Given under our Hands and Seals of Office, this 4th Day of April in the 20th Year of the Reign of our Sovereign Lord GEORGE THE THIRD, KING OF GREAT BRITAIN &c Annoque Domini 1780

(Short Clearance.)

Subscribed is an illegible signature which might possibly stand for "I. Claypole, Comp.," while on the other side is written the following,—

"This is the paper referred to by Jacob Curtis in his Deposition said to be annexed."

Attest ENOCH FREEMAN, Just. Pacis.

**State of Massachusetts Bay**

To the honourable the council and house of Representatives of said State in great and general Court assembled.

humbly shew DANIEL WYFF of Falmouth, in the County of Cumberland, Mariner, NATHAN BUCKNAM, of said Falmouth, Yeoman, DAVID CHANDLER & REUBEN NOBLE, both of North-Yarmouth in said County, Yeomen, in answer to the petition of William Greenwood, That when the prisoners mentioned in his petition arrived at great Chebeag Island in Casco Bay in and with said Schooner by him called the flying fish, but by a Clearance found on board called the *Peggy*—they uniformly and repeatedly declared that they had been long American prisoners in Halifax Gaol, that at length they dug out under the Gaol & about nine o'Clock in the evening went down on a wharf with design to seize some vessel & make their escape, that they accordingly found & seized the above schooner by force against the will and without the consent of the two men they found on board & compelled sd Greenwood to pilot them out and afterwards put him and the other man on shore. That they lived in different parts of the continent and wanted to get home and money to bear their expenses and therefore would be glad to sell the Vessel, whereupon your Memorialist deeming said Schooner to be a lawful prize, as much with a view to oblige the American prisoners as to benefit themselves, purchased said schooner, and took a power [of Attorney?] from them to libel & get her condemned; that they accordingly have libelled her and the time of trial, by continuance, is on the 22d of June current;—Your Memorialists further say they have good reason to think the account given by said Greenwood, that he voluntarily undertook to bring away said prisoners, to oblige them at their request, & that they afterwards rose & took the vessel from him ungratefully and in breach of good faith, is utterly false, & that they shall be able to make it appear so in a trial in a maritime court, & on the contrary that

<sup>a</sup>This document is a printed blank, the italicised words being written.

the said prisoners seized & brought away the said schooner by force with design to make a prize of her, as afores'd. That this appears highly probable from some things confessed by said Greenwood in his Petition, he therein declaring that one of the men said he would kill or be killed—and that another of them came on board under pretence of selling a shirt, both which plainly show a design of carrying her away by force.

Your memorialists further show that this Schooner is the same which the said Greenwood purchased in this State by leave of the court, & Under a pretence that he would go immediately to Barrington & bring up his family & effects, he got a permit to carry down a quantity of Corn, but instead of returning agreeable to his permit, he carried there all Winter & in the Spring carried a Cargo of potatoes to Halifax, with which the enemy was probably supplied & from the circumstance of fishing Geer being found on board & of his having a quantity of salt in a neighboring harbour which he wanted to take on board, it is very probable he intended then to go on a fishing voyage instead of coming to this State, and only use his permit as a protection from American Privateers.

Your Memorialists further humbly conceive that they have such an interest in said Schooner by said purchase, as entitles them to a trial in a due course of Law by a Jury whether said Capture was lawful or not & whether consequently said schooner is a lawful prize or not and humbly hope this honourable Court will not take any such order respecting the matter as will of Consequence deprive them of a regular and fair trial in the proper Courts erected by the legislature for the determination of Causes of this nature, but that they will dismiss the said petition, your memorialists readily consenting that said Greenwood may file his claim in the maritime court, at any time & have the same advantage by it as if it were filed in season.

And your Memorialists as in duty bound shall ever pray &c.

[No date given]

NATHAN BUCKNAM  
for himself and in behalf  
of said WYER & CHANDLER  
& NOBLE.

In Council June 7, 1780—Read & Ordered—

That Daniel Davis Esq, with such as the Hon'ble House shall appoint, be a Committee to take into consideration the Petition of William Greenwood & Answer thereto, hear the parties and report what may be proper to be done thereon.

Sent down for Concurrence

JOHN AVERY, D. Secy.

In the House of Representatives, June 7, 1780.

Read & Concurred & Mr. Nichols & Genl. Farley are joined.

NATHL GORHAM, Speaker pro. Tem.

The Committee of both Houses on the Petition of William Greenwood, Report by way of Resolve.

State of Massachusetts Bay, June 8, 1780.

on the petition of William Greenwood Setting fourth that Six men Came on board his Schooner flying-fish then Lying at a Wharf in Halifax Harbour & after being informed they were American Prisoners he agreed to Carry them where they could get a Passage home or bring them himself and accordingly came to Sal and made the best of his way. that on their Passage the said Prisoners in a very ungrateful manner took his schooner from him & after robbing him of his money and stripping of his Cloaths, Set him on Shore & carried away said Schooner with everything on board & afterward they arrived at Casco Bay. And Whereas the Said Schooner is since Libelled in the Maritime Court in the Eastern District of this State, and this Court on the third day of May last passed a Resolve empowering & directing the Committees of the Counties of York, Cumberland or Lincoln to take the said Schooner into their Custody & by virtue of said Resolve Still hold her in their possession & the Trial in the maritime Court is continued to a future Day & it appearing to this Court that the said William Greenwood by his kind and friendly treatment of a Number of American Prisoners for several years past hath proved himself a uniform friend to this & the

United States & the adverse Party having been fully heard & desiring the matter may be fully determined by this Court  
therefore resolved

That the Persons who may have the same Vessel in their Custody deliver her to the said William Greenwood & that no further Proceedings be had in the Maritime Court on the Label aforesaid, the said Greenwood filing in said Court on or before the Day appointed for the aforesaid Trial a Copy of this Resolve.

In Council June 13th, 1780.

Read & Accepted

Sent Down for Concurrence

JOHN AVERY, D. Sec.

In the House of Representatives, June 13, 1780.

Read & Concurred

JOHN HANCOCK, Spkr.

IRSWICH, Tuesday Morn.

Sir,

The Bearer of this, Mr. Greenwood, is a person who by his attachment to the Cause of the United States & his Generosity in private Life has I think merited the Assistance & protection of every American. If it should be in your power to assist him in recovering a Vessel which he has lost you will without doubt be disposed to do it.

Any kindness Shewn him will be considered as a favour to y<sup>r</sup> humble

Servt JOHN. FISHER.

Capt MOSES BROWN.

To the Honble the Council & House of Representatives of the State of Massachusetts Bay.

The Petition of WILLIAM GREENWOOD humbly sheweth

That he has a grateful sense of the obligations he is under to the Honble Court for their attention to his late unhappy case when deprived of his property by men, who, he was endeavoring to serve from a principle of humanity to them & regard to his Country (for such he considers this State) and ordering that part of his property so taken, the Vessel, to be restored to him—

Humbly craves the further attention of the Honble Court that they would permit him to return with his Vessel to his Family at Nova Scotia, and he as in duty bound will ever pray &c.

WILLM. GREENWOOD.

State of Massachusetts Bay,

In Council June 14, 1780.

On the Petition of WILLIAM GREENWOOD praying that he may be permitted to return to Nova Scotia with his Schooner called the Flying Fish

Resolved that the Prayer of the Petition be granted, & that the aforesaid William Greenwood be and hereby is permitted to return to Nova Scotia with his said Vessel, Flying Fish; and all Commanders of Armed Vessels belonging to this State are ordered, and those belonging to any of the United States are recommended not to molest or impede the said Greenwood on his return to Nova Scotia.

Sent down for Concurrence

JOHN AVERY, D. Secy.

In the House of Representatives, June 14, 1780.

Read & Concurred,

JOHN HANCOCK, Spkr.

Mass. Archives, Vol. 225, pp. 219-237; 254-5.

## CHAPTER XX.

Whereas many and great inconveniences have arisen in consequence of permits being granted to a number of persons belonging to Nova Scotia, for the purpose of bringing their effects from thence into this State, and availing themselves of said permits contrary to the original design thereof.

Therefore Resolved, That from and after the fifteenth day of June next, all such permits shall be null and void.—*Mass. Archives, Vol. 228, p. 12: Resolves of Mass. Chap. CCXCIX, 1780: Records of the Great and General Court, May 5, 1780.*

\* \* \* \* \*

To the Honourable the Council of the State of Massachusetts Bay.

The Petition of BENJAMIN BARNARD of Cape Forsew, Merchant,  
Humbly Sheweth,

That your Petitioner previous to the War removed from Salem to Cape Forsew, where he hath ever since carried on the fishery; and been Accustomed to purchase the supplies that were Necessary for his Business there, in this State with the Fish and other Articles brought from thence; whereby his Connexions in Trade as well as his Friends have Always been, and are in this State, but that by Means of the War, he hath met with great Difficulties in Obtaining Supplies for his Family and dependants—That he lately fitted out a small Vessel at Cape Forsew at his own Expense, tho' he had previously determined to come in another for the purpose of bringing to Salem twelve Americans, who had been taken Prisoners, and carried to Nova Scotia, and that he arrived with them at Salem the present Month—that under the Permission of your honors,\* he brought with him a Quantity of Salt, which he has disposed of in this State—Your Petitioner presented a Petition to this Honble Genl Assembly towards the Close of their Last Sessions praying that he may have license to carry with him three Hogsheads of Rum, three Hogsheads of Molasses, one Hogshead of Sugar, and Sixty Bushells of Corn, which was granted & the Resolution sent up to the Honble Board who were pleased to Non-concur the same—if your honors should think the Quantity too large, he would submit it to your Honors Consideration to reduce the Quantity of said Articles and to be under any Restrictions that your honors should think just—he begs leave to assure your Honors that the Inhabitants of Cape Forsew are in great Friendship with the People of this State as he can fully prove and demonstrate to your Honors, and he desires this Indulgence with the only View of procuring Supplies for his Family and Dependants there. That he hath always been attached to the Interest of his Country and from Time to Time rendered every Service in his Power and consistent with his Safety—And in particular he hath often at great Risque and Expence relieved, supplied and forwarded to this and the Neighboring States many Americans, who have been Prisoners in Nova Scotia—Wherefore your Petitioner humbly solicits this Honorable Council to take the premises into their wise Consideration & to grant him Permission as Aforesaid. And as in Duty bound will ever pray &c.

BENJAMIN BARNARD.

Boston, May 8, 1780.

Following is a list of the Americans returned to Massachusetts by Mr. Barnard.

Messrs. Timothy Outler Odin, John Wardell and Thomas Newcombe, of Boston; Capt. Samuel Dugard and three of his crew, of Marblehead; George Thompson and Edward Bass, of Newbury; Simon Bradstreet, of Portsmouth; and a Mr. "Clemens" and two seamen belonging in Connecticut.

\*See permit granted Benj. Barnard Nov. 27, 1779, ante.

SALEM, May 8, 1780.

Sir:

Just on the Court rising last Friday a resolve passed the House on the petition of Benjamin Barnard (praying for liberty to carry certain Articles to Yarmouth in Nova Scotia) if the resolve was concurred by the Council you will oblige me as well as Mr. Barnard by furnishing him with a copy. I suppose such care was taken, to guard against imposition in wording the Resolve that no difficulty would take place at the Board—when he applied to the Secretary's Office last Saturday he was left in doubt whether the resolve was negatived or not then finished. I am

Sir,  
your Humble Servant,

JOHN PICKERING.

John Avery, Esq.

On the following day (May 9, 1780) the Council granted Mr. Barnard's petition, allowing him to transport the supplies specified by him to Yarmouth, and directing all commanders of armed vessels in the service of the State to allow him to pass unmolested.—*Mass. Archives, Vol. 171, p. 152-4.*

\* \* \* \* \*

May 24, 1780. ANSEL CROSBY, of Yarmouth, petitions for leave to depart for his home in Nova Scotia and to carry with him, in the Shallop "Sally" 150 lbs sugar, 4 bbls cider, 40 bu. corn, 3 bbls rum, 1 bbl molasses, 100 lbs each of tobacco, rice and cotton wool, and 1 bbl pork. Granted same day.—*Mass. Archives, Vol. 176, p. 387.*

\* \* \* \* \*

May 24, 1780. NEHEMIAH PATCH, of Yarmouth, petitions the General Court, setting forth that having received permission of the Court on Dec. 7th 1779 (q. v.) to go to Nova Scotia and carry sundry articles with him, the vessel in which he sailed was obliged to leave them behind, and in her passage was wrecked at Cape Elizabeth, near the present Portland, Me.; that he had returned to Boston, and now prays the permission of the Court to depart for his home and to carry the same articles with him as previously permitted, in a vessel he has recently purchased, (the "Sally") which petition was granted in Council on the same day.—*Mass. Archives, Vol. 176, p. 389.*

\* \* \* \* \*

State of Massachusetts Bay.

To the Honorable the Council & the Honble the House of Representatives, in General Court Assembled.

The Petition of ALEXANDER BAIN of Nova Scotia

Humbly Sheweth,

That being continually subject to the depredations of American Armed Vessels, he is inclined to think he shall be more secure to remove with his Family and Effects into this State; he therefore prays that this Honourable Court will be pleased to grant him a permit to go to Nova Scotia, and return with his Family and Effects into this State and he as in duty bound will pray any Time between the date hereof and the Fall.

ALEXANDER BAIN.

Boston, May 30th, 1780.

In accordance with the Resolve of May 5, 1780, as printed at the beginning of this chapter this petition was refused. It is indorsed "Referred to the next session," but the petition was never acted upon further.—*Mass. Archives, Vol. 186, p. 196.*

Notwithstanding the refusal of this Court to grant Mr. Bain's petition, the next petitioner for the same privileges was more fortunate, thus:—

*To the Honble the Council and Honble House of Representatives, of the State of Massachusetts Bay, in General Court assembled at Boston May 31, 1780.*

**The Petition of DAVID PEARL, of Yarmouth, in the Province of Nova Scotia**

Humbly Sheweth,

That your Petitioners late Father Timothy Pearl of Windham in the State of Connecticut deceased by his last Will left your petitioner, One Hundred Pounds of good and lawful money, hearing of which he left Nova Scotia to see about his Affairs, and arrived in Salem about five weeks ago; from thence he went to said Windham and Settled with the Executors to his said late Fathers Will, of whom he received a small part & left the remainder in the hands of the Executor, Vizt his Brother Philip Pearl. And as your petitioner intended to return from Nova Scotia with all his other Effects and settle in New England as soon as he can Settle his Business there, which he Supposes he shall be able to do in the Course of the ensuing Summer, if he can obtain the leave of this Hon'ble Court.

Your petitioner therefore humbly prays your Honors would be pleased to grant him a permit to go to Yarmouth aforesaid to settle his Private Business there, and that he may be allowed to carry with him One Cask of Rum, one Cask of Molasses, one Cask of Sugar, and Sixteen or Eighteen Bushells of Corn, which he has lately purchased in Boston; And Your petitioner will Engage to bring up One hundred and Eighty weight of good Beaver, which shall be devoted to the Board of War; and as your petitioner is informed that the Officers of this State's Line in Camp are in great want of Hats, he flatters himself this Honble Court will indulge him the Articles requested as that he may be enabled to get the Furs which he assures your Honors is already by him Engaged; and that the necessities petitioned for will about discharge the residue of the Debt he has contracted for the Beaver & bear his other Family Expenses; Your petr being ready to give Bond that the Board of War shall have the said Quantity of Fur (which by sundry persons intimations they are very desirous of procuring) and any other articles of his own property they may want.

Your petitioner would beg leave to further inform this Hon'ble Court, that his Family consists of Six persons and that the Stores requested after paying his arrearages for the Fur will be but very little more than sufficient to Supply them up & himself down.

And as in duty bound shall pray

DAVID PEARL.

Boston, June 1, 1780.

State of Massachusetts Bay.

In the House of Representatives, June 7, 1780.

On the Petition of DAVID PEARL, praying that he may have liberty to go to Yarmouth in Nova Scotia and carry certain effects with him, and return with his family into this State,

Resolved, That the prayer of the Petition be so far granted that the said David Pearl have liberty to go to Yarmouth aforesaid, and to carry with him Provision necessary for his Passage there and bring off his Family and Effects, to this State.

And all armed Vessels of this State are required, and the armed Vessels of the United States of America are requested not to molest said David Pearl in going to and returning from Yarmouth aforesaid with his Family & Effects.

Sent up for Concurrence,

NATH GORHAM, Spkr pro. Tem.

In Council, June 7, 1780.

Read & Concurred,

JOHN AVERY, D. Secy.

*Mass. Archives, Vol. 228, p. 132-4.*

I am indebted to Mr. George S. Brown for the information that Mr. Pearl was a resident of Yarmouth in 1781, when his wife gave birth to a child. It is very probable that Mr. Pearl removed, soon after this event, to his old home in Connecticut. Whether the Board of War received the promised Beaver or not, does not appear.



## CHAPTER XXI.

*To the Members of the Great and General Court of the State of the Massachusetts Bay holden at Boston, New England.*

GENTLEMEN,

I having some time ago applied to your Honours in like Circumstances, for redress; and the human treatment then received encourages me to make application to you now, for it is well known, and can be proved by incontestible evidence, that as I have all along, so I still do retain my former Principals, I mean my good will towards, and my best Endeavors to screen, releave, and convey away out of Danger, such Americans as have from time to time, at home, and elsewhere, came to my knowledge, and whom I have served to the utmost of my Power, as far as Circumstances and my abilities would admit, and so far have I proceeded therein, as to Risque the Loss of my Property, Liberty, and even Life itself, for, I have been confined a prisoner on board three of their Ships of War since I was last here Vizt Dossen, the Scarborough, and the Albany, and have been imprisoned in St. Johns and at Hallifax, I was imprisoned in the Proveys among the Americans, they accounting me as one of them, and all for my Assisting distressed Americans. I shall here set down a few of the many I have by one way and means or other, to the utmost of my Power and abilities, assisted, since I was in any one of these States. Capt. Edmond Lewis and numbers with him, Capt. John Colyer & his Crew, Capt. Joseph Salter and his Crew, Capt. Thomas Steaven all of Marblehead, Capt. Parker of Machias, Capt. Willis and his Crew and many others I never saw before, and wish I never may again in like wretched Circumstances. Nor have I ever purchased any Provisions of any kind whatever, to carry out of any one of these States not even for my own Consumption, and I let one Parker & Capt. Hingeson have Eighty Dollars at Bagaduce.\*

And if any Man on this Continent will appear, and prove that I have been inimical to these States, or have injured any one individual thereto belonging, I will suffer the loss of all I have, and of your favour. Nay even of my Life, but I can bring many to prove the Contrary—As I was off of Mt. Desert being bound home in a small Vessel of about Eighteen Tons, having on board Four Thousand and ½ of Boards, One Baril of Flour; one hundred wt Pork, and Two bushels Corn, all my own Property; I fell in with Capt. Westing, who being in want, I let have near half of my Provisions, and then he discharged me. soon after two whale Boats came up with me, One being Capt. Cornelius Thompson of Salem, and Capt. Sanders of Cape Ann, who being deaf to all I said to them in Relation to my Friendly deportment towards America, and the favours I had received from your honours, detain'd me, and my Property, and also took from me what money I had, and have bro't me here, trusting and confiding in your goodness, and knowing your detestation of such inhumanity, your Petitioner once more lays himself at your Feet humbly praying your honours again to undertake for him, and Grant him his Liberty and Property restored to him and if it be consistent with your Judgement to give and grant him a free Fishing Pass, I will wholly devote myself to that Business, and will come under sufficient Bonds that every Quintle of Fish I catch shall be brought into these States, only what may be necessary for my own Consumption excepted. your Compliance, Gentlemen, with the assistance of Providence will continue me in Circumstances to do you Service (and consequently much more than I could possibly do for you were I among you) as long as my life and this unnatural Contest shall continue, and will greatly oblige the Subscribers (who either by Fame, and many by their own Joyful Experience, can attest to the above) and, Gentlemen, your honours devoted, Loyal, and very humble Servant,

JOHN MAGRAY.

Signed by ANTHONY TURNER and 67 other inhabitants of Marblehead.

\* "Majorbagaduce," the ancient name of Castine, Me.

State of Massachusetts Bay

In the House of Representatives, June 15, 1780.

On the Petition of JOHN McGRAY, an Inhabitant of Yarmouth, in Nova Scotia, taken & capter'd by two whale boats, one being commanded by Capt. Cornelius Thompson of Salem, and the other Commanded by Capt. Sanders of Cape Anne Praying for Leave to return to Nova Scotia with his Vessell and Effects, &c—it appearing to this Court that the Said McGray has approved himself to the United States of America, by relieving many of our unfortunate Prisoners when Captivated by their unnatural Enemies

Therefore

Resolved that the Prayer of the Said Petition be so far granted as that the above said John McGray have leave to return to Nova Scotia with his Vessel and Effects as Soon as may be, and it is earnestly recommended to the aforementioned Cornelius Thompson & Capt. Sanders to Deliver the Said McGray his Vessel and Effects, And the Commanders of all armed Vessels & others belonging to this State are hereby Directed to Suffer the Said McGray to Pass with his Vessel and Effects for the Purpose above mentioned unmolested and it is hereby recommended to the Commanders of all Vessels belonging to the United States or any of them to let the Said McGray Pass for the Purpose above Expressed without Hindrance.

Sent up for Concurrence

JOHN HANCOCK, Spkr.

In Council June 15th, 1780.

Read & Concurred,

JOHN AVERY, Dpy. Secy.

Mass. Archives, Vol. 228, p. 203-6.

\* \* \* \* \*

To the Honble the Council and the Honble House of Representatives of the State of Massachusetts Bay in General Court Assembled at Boston, May 31, 1780.

The Petition of JOSIAH PORTER of Yarmouth, in the Province of Nova Scotia,  
Humbly Sheweth

That your petitioner has Constantly and Uniformly since the Commencement of the present Cruel War done all in his power to Aid and Assist the American Cause, by Relieving & Assisting American Prisoners taken by the British Forces and brought into Nova Scotia. That he has at Sundry times released American Prisoners from their Captivity and brought them to this State for which he has Several times been called to Account & Suffered, besides which your petitioner's Son Josiah has actually been in the Service of this State for some time past. for all which your petr humbly conceives this Honble Court will be disposed to grant him some indulgencies.—And as he is about going down to Yarmouth and wants with the leave of this Honble Court to carry with him about Thirty bushels of Grain, a Small Quantity of Rum Sugar and Molasses about Two hundred weight of Tobacco a few barrels of Cyder and some Provisions

Your petitioner therefore humbly prays your Honors would be pleased to Grant him a permit to Export the Articles aforesaid to said Yarmouth, in some Vessel bound there with Liberty to return back into this State with all his Effects

And as in Duty bound shall pray &c

JOSIAH PORTER.

Boston, June 3, 1780.

Mr. Porter's petition was granted June 20, 1780.

Mass. Archives, Vol. 228, p. 345-6.

\* \* \* \* \*

The next document to be reproduced in this series is one which was undoubtedly of the most vital importance to our people, who must have received the news of its enactment with

great satisfaction. It is very evident that it was framed in their behalf, and its promulgation by the Great and General Court of Massachusetts reflects credit upon that body.

There certainly was need of such legislation. Many of the privateers from the New England ports infesting the provincial shores, emboldened by their successful warfare upon an unresisting, defenseless people, contrary to all the laws of men and nations, and in violation of every principle of humanity, justice and right, had aroused the indignation of the *real* patriots of Massachusetts by their continued outrageous and atrocious conduct, which brought upon their cause the stigma of shame and dishonor. Hence the following resolve was passed by both Houses. Its enactment was but one step in the right direction, however, for it does not appear to have been very effectually enforced.

State of Massachusetts Bay

In the House of Representatives, June 22, 1780.

Whereas it appears to this Court that Several small privateers have committed many Robberies above high water mark, on the Inhabitants of Nova Scotia,—Therefore,—

Resolved, That this Court do highly disapprove the Conduct of any persons belonging to, and Commissioned from, this State, in the business of privateering who have committed any such Robberies aforesaid. And also Resolved, That when any Commissions shall be given out in future to small armed Vessels, they give good & sufficient Bonds for the purpose of preventing such evils again taking place.

Sent up for Concurrence

JOHN HANCOCK, Spkr.

In Council, June 22, 1780,

Read & Concurred

JOHN AVERY, D. Secy.

*Mass. Archives, Vol. 228, p. 391-2; Acts and Resolves of Mass. 1780, Chap. ciii.; Court Records, June 22, 1780.*

## CHAPTER XXII.

The petition of ANSEL CROSBY to the Honble Council Humbly Sheweth—that he has returned from Cape perse in Nova Scotia in a small Boat of fifteen tons, laden with dry fish, and that he earnestly implores the Honble Board to grant him permission to transport a few bushells of Corn to said place for the maintenance of his family and the friends of America resident there;—he also assures the Board that his motives are friendly to America;—that he contributed all in his power to promote her felicity, and doubts not that his indigence will plead powerfully in his favour towards an indulgence; and as in duty bound he will ever pray

ANSEL CROSBY.

State of Massachusetts Bay,

Council Chamber, Aug. 8, 1780.

Read & Ordered that Ansel Crosby be and hereby is permitted to transport in a small Boat of about fifteen Tons, twenty five Bushls of Corn, 2 Bls of Rum, 2 Do Tobacco, 1 Do Sugar, 1 Do Molasses, one hundred of Rice, from Boston to Cape perse in the Province of Nova Scotia, and the Naval Officer for the Port of Boston is hereby directed to grant the Necessary Papers.—And All Commanders of Armed Vessels and others belonging to any of the United States are requested to permit the Said Vessel to pass unmolested to Cape perse with the Said Articles on Board—This permit not to be in force longer than forty Days from the date hereof.

Attest

JNO. AVERY, Dy. Secy.

Mass. Archives, Vol. 176, p. 609.

\* \* \* \* \*

To the Honble Council of the Massachusetts State.

GENTLEMEN:

Humbly sheweth the petition of STEPHEN ELDRIDGE That he having the strongest attachment to the Country which gave him birth, and Feeling A Friendly Disposition towards his Countrymen Hath in many instances been helpful To prisoners when in distress & hath himself Convey'd Numbers to their Respective homes In this State which can be made to Appear: Upon which Account your humble Petitioner Would pray for Liberty to Transport To Cape Forchue two Hds Tobacco one Barrel Rum and one Barrel Sugar.

STEPHEN ELDRIDGE.

State of Massachusetts Bay,

Council Chamber, Aug. 8, 1780.

Read & Ordered that Stephen Eldridge be & hereby is permitted to transport two Hds of Tobacco, One Barrel of Rum and one Barrel of Sugar in a small Boat from Boston to Cape perse in the Province of Nova Scotia, etc. etc—Mass. Archives, Vol. 176.

\* \* \* \* \*

To the honble Council of the State of Massachusetts Bay.

FREEMAN GARDNER most respectfully sheweth—That till a few years since, he was an inhabitant of these States and was born and bred in these parts, and from family connections & local circumstances has always been firmly attached to his native country, and, tho' an

expectation of successful business called him to Nova Scotia, yet there, during the present war, he has exhibited many friendly dispositions & actions to the American cause: & notorious is it to many inhabitants of the Town of Boston that your petitioner, the last winter, was so far active as that he took upon his protection the commander & crew of an American Schooner that was cast on shore at Cape Sable, & provided them with the necessaries of life during a rigorous season & bro't them in the spring, in his own sloop to Portsmouth. In general your petitioner has been known to exert himself during his residence at Cape Sable. Having been there *reduced* by means of the present War he has been encouraged by a consciousness of his being well known to many persons here, to bring up in a small Shallop a few dumb fish; that with them he might procure a few articles of convenience. he prays that he may accordingly dispose of them, purchase some West India Commodities and be permitted to return with them to Cape Sable

As in Duty will ever pray

FREEMAN GARDNER.

N. B.—The articles the petitioner would purchase, are the following

10	bushels	Corn,
3	barrels	Tobacco,
2	do	Rum,
1	do	Molasses,
1	do	Shugar.

This certifies I have every reason to to believe what is couched in the within petition. I am knowing to the petitioner's having bro't the prisoners he there mentions to Portsmouth, & other exhibitions of his friendship to us.

JOSIAH ROBERTS.

Mr. Gardner's petition was granted in Council Aug. 9, 1780—*Mass. Archives*, Vol. 176, p. 616.

\* \* \* \* \*

Aug. 10, 1780—DAVID WOOD, "a resident of Yarmouth in Nova Scotia, a place well known to be attached to this Country and its Cause," petitions for leave to sell a quantity of fish and to transport the proceeds invested in supplies to his home. Granted in Council Aug. 11, 1780.

*Mass. Archives*, Vol. 176, p. 635.

\* \* \* \* \*

State of Massachusetts Bay.

To the Honble Council of Said State, sitting in Boston Aug't 1780.

The Petition of JEAN BAPTISTE D'ARADIE, a Subject of his most Christian Majesty\* & now holding a Commission under the Congress of the United States, in behalf of SOLOMON RIDER of Yarmouth in Nova Scotia, Mariner, humbly shews

That the said Solomon Rider is an inhabitant of Yarmouth, about sixty leagues to the Westward of Halifax. that from the commencement of the War with Great Britain, he has by a uniform conduct, manifested a friendly disposition to the Cause of the United States of America, & his situation with his inclinations, has given him the Opportunity of repeating essential services to the American and French Prisoners that have at different Periods been in captivity at Halifax & other parts of Nova Scotia. At the risque of his life & the means of his subsistence, the said Solomon, hath repeatedly harboured, concealed, aided in the escape of, & brought into some port within this State, both French & American Prisoners, who have been fortunate enough to have made their escape from the Prisons in Halifax, & in their flight have thrown themselves into his house for shelter. Owing to their pressing solicitations & assurances, he has kept for that purpose a small Shallop named the Sea-

flower, & which for that purpose he has employed four different times being exposed to capture not only to the British Cruizers, but the American also.—In January & June, 1777, In January 1778 & about ten or twenty days since the said Solomon landed four different parcels of Prisoners, a schedule of which can be produced to your Honors, and common gratitude, joined to the feelings of your Petitioner, induce me to mention, that the said Solomon, hearing of my unhappy situation, by a well concerted scheme, exposing his own life, entered in a small boat, in the night into the Harbour of Halifax, & carried me clandestinely to his habitation at Yarmouth, & from thence brought me into your State after having been the object of their peculiar resentment for eleven months & repeatedly declared unexchangeable.

The said Solomon being noted for his Conduct by the enemy, & once in particular accused, hath not chose for some time past to be seen in their publick towns, & relying upon his friendly conduct towards America & upon the assurances of the Prisoners he has ventured at the several times mentioned to bring with him a small quantity of train oil to the amount of ten or fifteen pounds in value, it being the produce of his own labours, to exchange for provision for the consumption & Support of his family.—Having been once boarded by an American Privateer & stripped of every Article on board, the said Solomon was discouraged from making another trial, but your Petitioner's earnest [desire] to arrive among his friends & not doubting but your Honors would immediately interpose where essential services are rendered, ventured to request the said Solomon to aid & assist him in completing his escape from the enemy and promised the said Solomon his protection.—The said Solomon having this time brought with him about forty Quintals of Fish, forty gallons of liver oil & about thirty five bushels of salt, your Petitioner cannot but intercede and earnestly pray your Honors, if consistent with the safety of the States, that the said Solomon, may be allowed to exchange the same & have a permit granted to carry in return for the consumption of his own family about twenty or thirty bushels of Corn, and the remainder in West India produce & should an Opportunity for his services again offer in the same line, is an inducement for the continuation of & as a reward for the same meritorious Conduct, that he may be also permitted to bring with him free from molestation the same private adventure & to convert it to the same purposes

And as in duty bound shall ever pray &c

D'ABADIE.

The schedule of returned prisoners referred to by Capt. D'Abadie in his petition is as follows,—

These may Certifie all whom it may concern That Capt. Solomon Rider, Master of the Shallop Seaflower belonging to Yarmouth in Nova Scotia took on board his Vessel the following American Prisoners and landed them in New England, Viz:

on January 12; 1777 Landed Capt Ross at Falmouth\* in the State of Massachusetts Bay, he belonged to Cape porpus†

(signed) JAMES ROSS.

Ditto	Capt. Goodhue of Newbury Port where he was landed.
Ditto	Capt. McClannan of Falmouth* where he was landed.
Ditto	Capt. Johnson, of New London, landed him at Newburyport.
Ditto	Capt. Sowards of Portsmouth, landed him at Falmouth

All the above Prisoners except Capt Johnson were taken by the Milford off Georges Banks.

That in June 1777 said Rider Landed the following American Prisoners as follows Vist. Capt Samuel Bapson belonging to Cape Ann. Landed him at Piscataqua‡ who was sometime past on Board the Guard Ship in England, and from thence came to Halifax having obtained his Discharge.—At the same time Landed three Frenchmen who made their escape from the Blond Frigate—and who the said Rider kept concealed in his House for five Weeks, at his own Expense.

That on the 3d day of January 1778 Said Rider Landed the following American Prisoners Vist. Mr. Brenton belonging to Providence and his son with their effects—Also Capt.

\*The King of France—(See page 88.)

†Now Portland, Me. ‡Kennebunkport, Me. §Portsmouth, N. H.

Warner of Providence who took passage with Capt. Anderson from Martineco bound for Boston & put into Liverpool in distress under Jury Masts, and landed them all at Piscataqua Also Capt. Barker of Marblehead.

Also one Freeman belonging to Cohasset who swam away from the Reasonable Man of War and landed him & said Barker at Portsmouth in Piscataqua

And I do further Certify that if Capt Rider had not not taken the above Prisoners on board his Vessel it is probable they must remained Prisoners much Longer.

In Council Aug. 11, 1780. Read & Committed to William Whiting, Esqr to consider this Petition & report what may be proper to be done thereon.

JOHN AVERTY D. SOY.

State of Massachusetts Bay, Council Chamber Aug. 11, 1780.

The Committee Appointed to take the foregoing Petition Into Consideration has attended to that Service and begs Leave to Report thereon as Follows (Viz.)

That the Said Solomon have Liberty to Exchange the Several Articles he has Imported into this State, in the Manner Prayed for in sd Petition, or otherwise to Sell and Dispose of the sd Imported articles and to purchase the Several Articles Mentioned for the use of his family. And that he be permitted to Export the Same to Yarmouth Agreeable to the prayer of Said Petition.

In conformity with this report the Council, on the same day, passed an order granting Capt. Greenwood permission to purchase with the proceeds of his fish, oil and salt, the corn and West India goods specified in Mons. D'Abadie's petition.

"JOHN BATTEST (JEAN BAPTISTE) DABADIE, Captain, Col. John Allan's Reg't; entered Service Feb. 24, 1779; service to Aug. 24, 1780, 18 mos.; roll made up for wages and rations for the time of service at Machias and while a prisoner with the enemy."—*Mass. Soldiers and Sailors in the War of the Revolution*, Vol. IV., p. 346. See also *Mass. Muster and Pay Rolls*, Vol. 137, p. 147.

State of Massachusetts Bay.

To the Honble Council of said State, sitting in Boston, August 1780.

The Petition of SOLOMON RYDER, an inhabitant of Yarmouth, in Nova Scotia, Mariner, humbly shews—

That your Petitioner is unfortunately situated with his Property, in the Town of Yarmouth, in Nova Scotia, in the possession of the British Government. That since the commencement of the War, he has thro' the solicitations of American Prisoners at several periods made four voyages from Yarmouth into some port in this State, & landed, after having harboured, concealed & effected their escape, in the course of that time, upwards of thirty, a schedule of which persons is now lodged in the office of your Honors secretary, which he is ready to attest to in part, & to prove the remainder by the persons themselves.—This line of conduct in your Petitioner has rendered him in a peculiar manner obnoxious to the British government, & in consequence of repeated threats, & accusations against him, he has been for some time past, fearful of being seen in their towns.—This being the situation of your Petitioner, he is by such conduct, which, he has still persevered in, notwithstanding such menaces & threats, entirely cut off from the opportunity of disposing of the small quantity of fish & oil which your petitioner is obliged to catch & make, for his subsistence this year,—& unless allowed the liberty of bringing it to this Market for sale, he must inevitably starve. Capt. Dabadie, whose escape he has lately effected, can attest & explain to your Honors the situation of your Petitioner at Yarmouth, & his character which has now become noted with the enemy, & convince your Honors that the services rendered & which his situation puts in his power to render, will prevent any abuse of the liberty which might be granted.

Your Petitioner having now upon his hands a small quantity of fish & oil in Yarmouth, he prays your Honors, that, as he is not in a situation to ask favors of the opposite side, he may be indulged by your Honors with the liberty of returning to this State, & bringing with

him, free from molestation, what little fish & oil he has by him in said Yarmouth, for the purpose of selling of the same in this State:—

And as in duty bound shall ever pray

*Mass. Archives, Vol. 176, p. 652.*

SOLOMON RIDER.

Capt. Rider's petition was received by the Council Aug. 14, 1780, and on the same day it was referred by that body to the Hon. William Whiting for his investigation. Mr. Whiting reported favorably, upon which the Council passed the following resolve:—

In Council Aug. 14, 1780: Read & Accepted and thereupon ordered. That Solomon Rider, an Inhabitant of Yarmouth in Nova Scotia hath by a late Order of this Board had Permission granted him to transport from this State to Said Yarmouth a Quantity of Corn & other Articles in the Shallop called the Seaflower, and whereas the Said Solomon having from time to time American Prisoners from Nova Scotia, &c: Therefore he is further permitted to return from Said Yarmouth in Said Shallop into this State and import hither a cargo of Fish & Oil.—And All Commanders of Armed Vessels and others belonging to this State are hereby directed, and all Commanders of Armed Vessels and others belonging to any of the United States, And All Commanders of Armed Vessels belonging to our illustrious Ally the King of France are hereby requested to permit the said Shallop to pass unmolested from Yarmouth in Nova Scotia with his Said Fish & Oil on Board to this State

Attest

JOHN AVERY, D. Secy.



## CHAPTER XXIII.

*To the Honble the Council of the State of Massachusetts Bay.*

Humbly Shews

That your Petitioner has Constant and from principle Aided and done all in his Power to Support the American Cause.

That he has often and frequently received and entertained a number of American Prisoners at his own Expense, and at the Hazard of his Life brought off one that had made his Escape from Halifax Gaol, and others that made their Escape from different Confinements, and gave some & procured others a passage home, as will appear by the Certificates herewith exhibited.

That your petitioner is now about returning to St. Mary's in order to Settle and receive a debt due there from John Hall to his Brother Joseph Hall, and to settle some affairs of his own, if he can Obtain a permit from your Honors to take passage with Capt. Solomon Rider in the Boat Seaflower with liberty to carry with him a small quantity of West India Goods which he had purchased with Thirty Quintals Fish & Four Bis Oyl that he brought up.

Your Petitioner therefore humbly prays your Honors would be pleased to Grant him a permit to take passage with Capt. Rider & carry with him a small quantity of West India Goods as aforesaid, with Liberty to return again.

And as in duty bound shall pray &c.

PETER DOUSETT.

Boston, Aug. 11, 1780.

FORTSMOUTH, May the 27th, 1777.

These may Certifie that I the Subscriber was taken last Summer by the Viper belonging to the King and was put on board of the Scarbary\*—Where I was much Confined. after Six months I made my Ascalpe with three more belonging to Casco Bay And Philadelphia and on our Arrival in St. Mary's Bay in the Province of Nova Scotia, happily fell in with Peter Dousett, and he kindly entertained us and went to the Expence and trouble of bringing us to Machias. this I am Ready to testify to Any Day.

JOHN BATTSON.

\*Scarborough.

ATT ST. MARY'S BAY, August 1776.

This is to Certifie that Mr. Wm. Shey, Capt. Hardie Both of Philadelphia at ther arrivell at this Place from Halifax and one poor man from Cambrech\* that made his Escape from the Vulture Sloop of War fell in with the Subscriber who Carried them and Landed them at Mount Desert according to their Desire.

PETER DOUSETT.

\*Cambridge (?)

The following declaration is included among the papers exhibited by Capt. Dousett, although its bearing upon the matter is not explained. Perhaps the "Boat 'Betsey'" mentioned in it was the schooner of the same name known to have been the Property of Capt. Dousett:

I, JONATHAN INGERSOLL, late Commander of the Armed Sloop of War the Packet Do hereby Certify & Declare that my said Sloop of War being drove on Shore at Nova Scotia on

a place called Sisavoot by two of the King of Great Britain's Armed Vessells, I with my men being safely on Land Compelled Monsieurs Jere, Gravoy & Robert Morrill in the Boat Betsey to bring us from said Sisavo to Ipswich in the State of Massachusetts Bay; therefore there ought to be no advantage taken by Means of said Men on Boat's being found within the state of Massachusetts Bay or from their home.

JONATHAN INGERSOLL.

Ipswich, July 1st, 1778.

Essex S. S.

IPSWICH, July 1, 1778.

Capt. Jonathan Ingersoll personally appeared & made Oath that the above Declaration is true.

Before me JOHN BAKER Jr. Peace.

This may Certifie that I the Subscriber had a 'Prentice Lad named Richard Harper, bound to the West Indies, taken by the Viper, & carried to Halifax from whence he made his Escape, with four more in Company, and got to St. Mary's Bay in that Government, & there happily fell in with Peter Doucet of said place, who kindly entertained them & was at the Expense & trouble of bringing them across and landing them at Passamaquoddy from which place they got to this, which account was given by said Richard Harper, on his getting here.

Machias, July 8, 1778.

DAVID GARDNER.

Witness PETER FETTER, JR.

This may certify that I the Subscriber was a cruising upon the Coast of Nova Scotia and falling in with an English Cruiser was drove on Shore in St. Mary's Bay, where he fell in with Peter Doucet and his Father & Brother, who received us very kindly and provided a Passage for us home to Ipswich in New England.

Ipswich, July 23, 1778.

DANIEL NEWMAN.

Capt. Dousett's petition was referred by the Council to the Hon. William Whiting for his investigation and report thereon. Mr. Whiting reported favorably on the 16th of August, and that same day the Council passed an order granting to Capt. Dousett permission to purchase and export to St. Mary's Bay 150 gallons of rum, 300 lbs. o sugar and one cask of tobacco; also permitting him to return again to Massachusetts.

In order to substantiate his reference in his petition to the indebtedness of John Hall to his brother Joseph, Capt. Dousett included the following interesting papers in his exhibit, although it is quite evident he was also desirous of proving Mr. Hall's active sympathies with the colonists in their war for independence.

A True Copy of my orders to my Son John Hall Junr Commanding a Small Schooner bound to Hallelax with Syder & Roots\* from Annapolis March 25, 1777.

you are to proseed to Hallelax as Soon as possebel and Make Sail of your Cargue to the Best advantage and to Remit all the money you Collect to John Fillis Esqr. & Andrew Wollas and to give them the Refusall of anything in your Cargue they Suall want and keep an account of it as you Seel to other peopel. But you must Reserve a Nufe to Git Duck for Sails and Sum other Necessaries in sum memorandums and then take in frate for Annapolis and make all the Dispatch posebl and keeps Good Account of all you Seel & Deliver & take

\*Sissabou, t. s. Weymouth.

\*\* Roots "—t. s. potatoes.

in—and to Return as soon as possible to Annapolis: So I wish you a good time and a Blessing in your voige. Yr Father JOHN HALL

Postscript—You are to give the American prisoners at Halifax 20 or 30 Bushel of potatoes at your Arrival There as I hear they are Kept Vary, Vary Short, Yr Father J. Hall's orders  
Granville, Mar. 25, 1777.

A Memorandum of things Given to American Prisoners which were in Distress on my Voige to Halifax in march & April 1777.

Gave one Mr. David Lumber Belonging to Barnstable, Cape Cod & three men Which were Prisoners on Board the milford which got away from her when She Drove the Cabbot Brig A Shoar at Cappersu: two Pounds Eight Shillings Halifax Currency in money to Buy them a Boat to Get home in also Pork and Beef and Rutes for thirteen or fourteen Days Provisions—also Gave about thirty Bushels of Potatoes & one Pound Eight Shillings and four-pence in mone to the Prisoners that were a Suffering on Board the Prisonships at Halifax

Which Capt. Sampson Capt of the Independent Brig and Capt. Hatch which was ther as Prisoner: Can Attest to

Witness my hand

JOHN HALL, Junr

The American prisoners-of-war confined on board of the British guard-ships in the harbor at Halifax were crowded into such close and unsanitary quarters as to easily become prey to that dread scourge, small-pox. Capt. Hall, not wishing to risk contagion, did not carry his donation of provisions on board in person, but employed Capt. Zachariah Foot, of Yarmouth, who was then at Halifax, and who evidently was immune, to act in his stead.

HALIFAX, May 10, 1777.

This may Certifie Whom it may Concern that the Subscriber then received of John Hall Junr Son to John Hall Esq. of Granville Thirty Bushels of potatoes which was his orders to his son to carry on board the Guardships with prisoners in this harbour & Delivered the Same to Capt. Sampson & Capt. Hatch the Same to Be Distributed among the Same as witness my hand

ZACHARIAH FOOT.

I carried the came, as mr halle son had not the small pox.

DEAR BROTHER

These Lines Comes From me Leaving me and all my family in a good measure of health—and prity Good Curcomstances Considering the Malleucolly Confused times of the peassant Day. I Desier to Thank a good and gracious God for my heith and all other favours—and pray God that the Confused State of the Nation and America mite be brot to an end which may terminate for his Glory, the Good of America and the Nation.

I hope these Lines will find you & Sister and all yr family in good heith & Curcomstances and Especially our Aged Honoured Mother. I Long to see you all once more but when that will be I Dont know. But I Should be vary Glad if providence would open a Door for it: for I have been a great Sufferer Within this Three Years by the Americans—Especially by the Stilled [styled] Col. Eddy and his party at Cumberland—Who tuke a Schooner of mine with a Cargue of 300£ & odd pounds this Currency and imbaseled (embezzled) the Cargue amongst the party at Cumberland—Detained the Vessell and people about a month which was 500£ more Damage to me, as I had another Cargue Ready for a nother Voige a parrishing. This was Dun in November 1776 at Cumberland Nova Scotia.

I understand he and his party and under officers are in New England: also am informed

that he had no orders to Do as he did—which was hurte-full to America and thair Coe [cause] to a grate Degree and many poor womans & Children at Cumberland; for thair proceedings was infemus and Scandelus to the highest Degree: which I could make out if i was with you—my Loss This Summer by Roggers one of his party in an Arm'd vessell fitted out from Boston who had Considerable of my Cargue Then: and this Lose of the one half of the Vessell is vary Cruall Sence i never Did any of my American Brethren any hurt but have helped and Gave the American Prisoners so much in thare Captivity—but i would hope & pray that all Virtue and humanity, Equity & Justice heas not left America Although it Seemes it had if we may Judge by some Scandelus ones that heas bin in this Government a Robbing poor innocent ones=Which has bin a grate meens to Coule [cool] the Affection of many well wishers to the Just proceedings of America: as to this Last Lose my Son who is with you has Leat [let] you know what it is: i am inform'd that Roggers tuke my money from my Son: When he did not take the money from officers in the Army & Navy who he tuke the Same time who had Grate Sums of money with them and only Singled out him. I have bin three voiges to St. Johns, up the River This Summer and have made something Considerable; but my Louseling So much as above has hurt me vary much, and if you Could Git in favour So as to Git That Little vessel back again for me & the Cargue and money and Secure it in your one (own) hand it would be vary agreeable to me.

I am informed that if i had taken Curtifouts from all the Prisoners i have helpt it would have been of Sum advantage; but as i did it out of humanity and never Expected any Reward So i Did not till Late Think of any such thing: if i had Could produce as many as Sum Others have Dun. There was a Mr Deshase a Gentleman of phalideiphia and one Mr Harden of Connecticut who i kept Sum Days and assisted them Doun our Prisons (?) in the first of the Disturbances, also old Mr Sanborn of Machious [Machias] who was taken by the Viper Ship of Warr and brot in hear who i kept about three weeks till he had an Oppertunity to git away: and Some others who i Dont Recollect thare names: but i Suppose all i have Dun in Cash and provision and other things would amount to 15 or 20 pounds Currency: and as long as i am abel to help any onest Prisoners in Distress i Shall Continue to Do it although i am Served worse than i have bin and never have any Reward: i have Sent Sum papers for you to peruse and you will Judge weather thay will Do any Service or know=Remember me to all my Good Friends also to Henry & Moses & Aaron, if with you. I received Aarons Letter and yr Bill which i was Glad of and if you Could Send the other I Should be glad. My Wife Sent a Letter the other Day by a prisoner whom She Gave a Shirt and a Jackit & 1 Dollar Sum Meet & Bread

Which is all at pressant from Your Loveling Brother till Death

JOHN KHAZAR HALL.

Dec. 12, 1778.

To JOSEPH BROOKS HALL  
Poscript: i Should write more  
fuller but we are tong tied

But i hope it wont always be So.

I Think you mite Claim'd  
the vessel and Cargue as i  
owed you and helped yrselke  
and me too—for i understand many  
among you do—I had a passel [parcel]  
muse Skin taken in the Charming Sally  
also a bbl Rum in the Ship Argile.

Mass. Archives, Vol. 176, pp. 661-668.

## CHAPTER XXIV.

*To the Honorable the Council of the State of Massachusetts Bay.*

The Petition of WILLIAM GREENWOOD humbly sheweth That he has brought up from Barrington in the Government of Nova Scotia 50 Quintals of Cod Fish which he prays Your Honors he may have liberty to exchange for Corn Rye Sugar Molasses & Rum to supply eleven Families there who have an equal share in the Fish with himself, & whose distresses for want of provisions are great. He also prays Your Honors protection from the rapacious practices of the little Privateers who infest that Shore on his return there, which he prays Your Honors to permit. And as in duty bound will ever pray.

WILLM GREENWOOD.

Jona Prince of Manchester &  
Wm Smith of Cape Anne  
Prisoners on Parole have  
been brought up by y<sup>r</sup> Peti-  
tioner free of Expence.

STATE OF MASSACHUSETTS BAY, Aug 12, 1780.

On the Petition of Wm Greenwood praying for reasons set forth in his Petition that he may have liberty to exchange the Amount of 50 Quintals of Cod Fish for Corn, Rye, Molasses Rum & Sugar & return to Nova Scotia with the protection of this Board from the Armed Vessels:

Ordered that the prayer of the Petition be so far granted, that the sd Wm Greenwood be & hereby is permitted to purchase Forty bushels of Corn, twenty bushels of Rye, 1 Tierce of Molasses 1 barrell of Rum and one Barrel of Sugar, provided he gives Bonds to the Naval Officer of the Port of Boston, in the sum of two thousand pounds that [he] will take nothing more on board his Vessel than the aforesaid articles

And Whereas it appears to this Board that the said Greenwood has been friendly to this State in the relief of Prisoners, Therefore it is hereby recommended to all Commanders of Armed Vessels belonging to the United States and requested of those of our Illustrious Ally the King of France, and All Commanders of Armed Vessels & others belonging to this State are commanded not to molest or impede said Greenwood on his return as aforesaid, but to afford him any aid & assistance in their power.

Attest

JOHN AVERY, D. Scy.

The foregoing petition and order-in-Council are in the handwriting of the Hon. JOHN PITTS, whose deep hatred for the petty privateersmen plundering our people is evident in the language he uses.

\* \* \* \* \*

*To the honorable Council of the Massachusetts State.*

GENTLEMEN

The Petition of JOHN TRASK humbly sheweth That he has for many years been an Inhabitant of Cape Forchu in Nova Scotia, a place well known to be attached to this Country and its Cause. And although he is conscious he has a disposition to relieve and help his Countrymen which he is ready to manifest as occasion may require, yet he has been treated

as an enemy by a Privateer Boat of which William James was Master. Capt. James took from him a small Boat of about 8 Tons with nine hogsheads of Salt which was all he had to depend upon to get a subsistence for his family. upon application made to the Owners, Master & Men they have delivered up the Boat. Your humble Petitioner would beg the favour of indulgence of a permit to pass to Cape Forchu & carry with him two barrels of Rum, two Barrels of Tobacco, two Barrels of Sugar, & twenty Bushels of Grain or such quantity as shall be thought proper And

As in duty Bound your humble Petitioner shall ever pray

JOHN TRASK.

Provisions of all kinds were scarce in Boston during the autumn of 1780, and the Council found it necessary to refuse many applications similar to the foregoing, from our people. Hence the following:—

STATE OF MASS'TTS BAY.

Council Chamber, Aug. 14, 1780.

Read & Ordered—That the Prayer of this Petition be so far granted that John Trask be and hereby is permitted to pass from this State to Cape pursue in Nova Scotia and not to carry with him goods of any kind nor any more Provisions than shall be sufficient for his Voyage there

Attest

JOHN AVERY, D. Scy.

Mass. Archives, Vol. 176, p. 636.

## CHAPTER XXV.

To the Honble Council of the State of Mass'tts Bay.

The Petition of NEHEMIAH PATCH of Cape Pense  
Humbly Sheweth,

That your Petitioner hath always manifested ever since the Commence of Hostilities an invariable attachment to the cause of this country of which he was once an inhabitant, & has frequently relieved the distresses of his Countrymen & in Consequences of which your Honors have permitted him to return with some Indulgences.

Your Petitioner has been put to considerable charge lately by being Captured as he was coming from Cape prue with a number of Prisoners, but upon application to the Owners of the Vessel they delivered up the small Boat, and he now solicits your Honors' permission to pass to Nova Scotia & carry with him two barrels of Flour, two barrels of Ruml, ten bushels of Corn & one barrel of Tobacco, for the relief of a very distressed Family—your Petitioner was rather unfortunate in the loss of a Certificate which the prisoners gave him at Newbury, when he stopped at his father's at Ipswich; but the names of said men he can furnish your Honors with, if they shall be required. And as in Duty bound will pray &c.

NEHEMIAH PATCH.

Mass. Archives, Vol. 176, p. 684.

STATE OF MASS'TTS BAY: Council Chamber, Aug. 16, 1780.

Read & Ordered—That the Prayer of this Petition be so far granted that Nehemiah Patch be and hereby is permitted to pass from this State to Yarmouth in Nova Scotia, and not to carry with him Goods of any kind nor any more Provisions than shall be sufficient for his Voyage there.

Attest, JNO. AVERY, Dep. Secy.

To the Honble Council & Honble House of Representatives of ye State of Massachusetts Bay.

The Petition of DAVID CORNING of Yarmouth, Cape pursue,

Humbly Shews, that your petitioner was born and brought up in Beverly, in your State, but removed to this State a few years before the present war, and tho' he has been Seeking Ever Since Said war Commenced, has not found an opportunity to Return with his Effects, without Sacrificing Great part of his property. But is Striving for Such an Opportunity. However I Venture to Say that your Honors must be Sinceable that I have done all that is in my Power to prove My Sincere attachment to the Liberties of my Native State. I Constantly Released and Bro't up Ammerican prisoners whenever I found them, & sometimes at ye Risque of Liberty, and have Constantly Bro't or Sent all my Earnings to your State. The Truth of These Things your Honors will see by Referring to your Records of fish which he is Desirous to Bring to your State to dispose of there, to discharge a few Debts. Therefore your petitioner Humbly prays your Honors to Grant him a permitt to Come to this State in a Small Schooner, with one hundred & Eighty Quintals of Dry fish on Board for the purpose aforesd and as in Duty Bound will Pray

DAVID CORNING.

Yarmouth, Cape pursue, Aug 25, 1780.

Mass. Archives, Vol. 129, p. 123.

Capt. Corning's petition, which is in his own handwriting, was granted in Council Sept. 22, 1780.

Sept. 6, 1780. THOMAS FLINT, of Yarmouth, petitions the Council for permission to import into the State of Massachusetts, in the Schooner "Hannah," a quantity of salt fish. A permit was issued to him Sept. 8, 1780.—*Mass. Archives, Vol. 177, p. 65.*

Sept. 7, 1780. ZACHARIAS FOOT, of Yarmouth, in a petition to the Council, states that he has recently arrived in a small boat at Salem, bringing with him seven escaped American prisoners and a small quantity of fish. He desires permission to dispose of his fish and with the proceeds purchase some provisions; also for a permit to return home free from molestation. His petition was granted on the 8th. It was accompanied by the following letter:

LIVERPOOL, Aug. 15, 1780.

CAPT FOOT Sir—

We have sent by Mr. Stephen Smith seven men that was taken and broat into this Place—we Should be varry much oblige to you if you would help them to a passig for Sum part of newengland. we have Sent provishons for them

From Sir

Your Humbel Servant

BENJAH COLLINS.

*Mass. Archives, Vol. 171, p. 270.*

Sept. 7, 1780. FREEMAN GARDNER, PETER COFFIN and SAMUEL HOPKINS, all of "Cape Sables" in Nova Scotia, petition for leave to exchange a quantity of fish for provisions and house-hold supplies. Their petition was granted on the 11th, and they were given a permit, good until the 30th, to transact their business and leave the State. See *Mass. Archives, Vol. 229, p. 1; also printed Acts and Resolves for 1780, Chap. VII.*

Sept. 12, 1780. ELISHA ELDRIDGE, of "Cape Forchue," in a petition to the Council, states "that he was an inhabitant of this state, but for twelve years has been a Resident at Cape Forchue in Nova Scotia where he possesses property immoveable;" that he has lately arrived at Salem in company with Capt. Foot, (see above) having assisted in bringing from Nova Scotia a number of escaped American prisoners. He further states "that he has fed and relieved many unfortunate Prisoners, Friends to this Country," and begs leave to transport to Yarmouth, a quantity of provisions, etc. His petition was granted and a pass was issued to him, good for forty days, on the 27th.—See *Mass. Archives, Vol. 229, p. 229.*

Sept. 12, 1780. DAVID SMITH, of Barrington, in a petition to the General Court, states that he has brought up from Nova Scotia two Americans, escaped prisoners, viz., Capt. Moses Rotch and Capt McFarland. He prays for permission to purchase a quantity of provisions with the proceeds of some fish he has lately sold, and for leave to depart for his home in Nova Scotia. His petition was granted on the 16th. See *Mass. Archives, Vol. 229, p. 67.*

Capt. Smith's petition was accompanied by the following certificate:

These are to Certify

That we were at Capt. David Smith's house in the Town of Barrington and was not only entertained extremely well by him, but had also every assistance afforded us that his circumstances would admit of. we have likewise the greatest assurance of his being very friendly



to us and our Cause: therefore intreat all our Countrymen (who may land at his House or meet with him Coasting along the Shore) to treat him as a Friend and by so doing they will much oblige their most obedient and humble servants

SIMON BRADSTREET, of Piscataway\*  
JOHN WARDELL, of Boston  
GEORGE THOMPSON of Newbury  
TIMO CUTTER ODIN of Boston  
THOMAS NEWCOMBE " "  
EDWARD BASS of Newbury  
ELI TURNER of mer vel haed†

*Mass. Archives, Vol. 229, p. 70.*

\*Portsmouth, N. H.

†Marblehead, Mass.

## CHAPTER XXVI.

State of Mass<sup>ts</sup> Bay

To the Honble the Council & Honble House of Representatives of the State Aforesaid

Humble Petition of JOSIAH WATERS, J<sup>r</sup> of Boston—

Humbly Sheweth—

That your Petitioner previous to the Commencement of this War had dealings with sundry Persons in the Government of Nova Scotia and in consequence of which a considerable Sum of Money was due to him and as the Communication between this State and Nova Scotia has been interrupted: Your Petitioner hath not been able to collect his said Debts, 'till the present Time, he having received Letters lately from Nathan Utley who was indebted £130 Eleazer Butler £80 and Ebenezer Porter £30 all which Amts to the sum of two hundred & twenty pounds and who have signified their Intentions to pay Said Debts, provided this Hon'ble House should think it expedient to grant Nathan Utley Protection to come to this State with the Proceeds of Said Debts aforesaid—As your Petitioner from the Acquaintance which he has had with the Said Utley humbly conceives no Detriment will arise to this State in granting him this Liberty he therefore humbly requests your honors to grant Protection to the Said Nathan Utley to come from Nova Scotia and bring such Effects as may be obtained for the Payment of the whole or either of the Aforesaid Debts under such Restrictions as to your honors in your great Wisdom shall see meet—And as in Duty bound will ever pray, &c

JOSIAH WATERS Jun<sup>r</sup>

Boston Sept. 14th, 1780.

This petition was granted by both Houses Sept. 20, Mr. Utley being permitted to come to Boston with the amount named. See *Mass. Archives*, Vol. 229, p 105.

\* \* \* \* \*

To the Honble Council & the Honble House of Representatives of the State of Massachusetts Bay in General Court Assembled

ALEXANDER BAIN of Yarmouth in the State of Nova Scotia begs leave to represent to your Honors that a Number of Sailors who sailed from Newbury with Capt. McNeil were put on board a prize [prize] taken by Capt. McNeil, which prize was afterwards retaken and the men above mentioned came in great distress to Yarmouth and after continuing there ten days your memorialist undertook without any consideration to bring them up to this place in a small boat of ten tons belonging to your memorialist—which he performed and landed them at Salem—Your Memorialist humbly prays your Honors that in consideration thereof your honors would permit him to carry back in his boat to Nova Scotia for the use of himself and his neighbors, one Barrel Sugar, one Hoghead of Molasses, one Cask rum and twenty bushels Indian corn—and Your Memorialist as in duty bound will ever pray

ALEXANDER BAIN.

Sept. 14, 1780.

Whereas we the Subscribers have been prisoners and received favors from ALEXANDER BAIN, of Yarmouth, in an Especial manner, this is to desire that he may be considered as a

friend to the United States of America, as his conduct has been always of that kind

Signed in his behalf

JAMES REMINGTON of Rhode Island  
AARON SIMONS, Boston  
his  
PATRICK X BURK  
mark  
TIMOTHY HICKS  
JOHN CULLMAN.

On the 18th the General Court passed an order granting permission to Alexander Bain to return to Yarmouth, but on account of the scarcity of corn he was allowed to take with him, besides provisions for the voyage the sugar, molasses and rum petitioned for, only, and the Naval Officer was instructed "to see that this Resolve is Strictly adhear'd to & Nothing is Taken on Board More than is Mentioned in this Permit." See *Mass. Archives*, Vol. p. 229, 67; also printed *Acts and Resolves 1779-80 Vol. 4, p. 68.*

Sept. 18, 1780. JAMES KILLEY, or KELLEY, of "Cape Porceu," makes a similar petition to that of Alexander Bain and is granted the same privileges. See *Mass. Archives*, Vol. 229, p. 71.

Sept. 30, 1780. SETH BARNES, of Yarmouth, in a petition to the General Court describes Yarmouth "as being the most westerly town in the Province & distinguished for being a place of Safety & Hospitality for those American Seamen who have had the misfortune to be drove ashore on the Coast or have been made Prisoners, has been generally resorted to by the Americans as a Place of Refuge, where they are provided for & very frequently sent up in Vessels belonging to that Place." Capt. Barnes further states that he has made no less than four voyages whereby he has restored numbers of Americans to their families and Country. He prays that he may be permitted to invest the proceeds of some fish lately brought up to Salem by him, in West India or New England produce and to return to Yarmouth with the same without molestation. His petition was granted on the 3d of October following, although the privilege of purchasing grain and meats of all kinds was denied him. Accompanying his petition was the following letter:—

SALEM, Sept. 27, 1780.

To the honourable Council & House of the State of Massachusetts.

GENT:

We whose Names are hereunto subscribed having received particular Friendship from Capt. Seth Barnes of Nova Scotia who was so kind as to give us a passage home to Salem when we were in distress, being driven on Shore by a British Privateer on the Coast of Nova Scotia aforesaid. We therefore think ourselves in duty bound to ask for him such Protection & indulgence from the honourable Court as such Conduct towards our Prisoners deserves

CORNELIUS THOMPSON  
JAMES ARRINGTON  
WILLIAM NICKELS  
EDWARD DAVIS

*Mass. Archives*, Vol. 229, p. 360.

Cornelius Thompson, whose name is signed to this letter, is the same one, who, as an American privateer, basely deprived Capt. John Magray of his money and imprisoned him a prisoner to Massachusetts, as has been already shown. The writer cannot mention this as one of the many instances where coals of fire were new-ly kindled on the heads of their persecutors by our people.

To the Hon'ble Council & House of Representatives in General Court Assembled.

The Petition of THEOPHILUS & ANSELL CROSBY of Caperscove,  
Humbly Sheweth—

That your Petitioners have lately arrived in a Boat from Caperscove & brot a few bushels of Salt & some fish, they would represent to your Honors that they have Family's and pray that they may be permitted to return with sd Boat, & carry with them, one Tierce of Molasses, one hhd of Molasses, one hhd of Tobacco, & one bbl of Rum;—your Petitioner's exertions for & attachment to the American cause, they presume will plead much in their favour; they have repeatedly run great hazards in facilitating the Escape of Prisoners from the hands of their Enemies, as the testimonials of many respectable Citizens of this State, in the possession of the Hon'ble Council will sufficiently Evidence.

Your Petitioners therefore pray that your Honors would consider them & grant the Prayer of their Petition, and as in duty bound will ever pray &c

ANSELL CROSBY  
THEOPHILUS CROSBY

State of Massachusetts Bay

In the House of Representatives Oct. 4th, 1780.

On the Petition of Theophilus and Ansel Crosby praying that they may have Liberty to return in their Boat to Nova Scotia & carry with them sundry Articles

Resolved that the prayer of said Petition be so far granted That the said Theophilus & Ansell be permitted to return in their said Boat to Nova Scotia with provisions sufficient to supply the Hands on Board during the Voyage and the Naval Officer for the Port of Boston is hereby directed to give a clearance for said Boat any Act or Resolve of this State to the Contrary notwithstanding.

Sent up for Concurrence

JOHN HANCOCK, Speaker

In Council Oct, 4, 1780

Read & Concurred

JOHN AVERY, D. Scy.

Mass. Archives, Vol. 229, p. 410.

To the Honorable Council of the State of Massachusetts Bay.

JOSHUA TREFFRY of Yarmouth, in Nova Scotia, humbly sheweth

That from an unalienable attachment to the Country which gave him birth and its important Cause, he hath made it his constant endeavor to relieve to the utmost of his ability those unfortunate persons belonging to this and Other of the united States, whom the fate of War—other accidents, have thrown into said Province & brought to his knowledge & reach

That from the said Principle Your petitioner hath lately brought from Yarmouth in sd Province, fourteen persons, belonging to Salem & Marblehead that have been in different Vessels taken & drove ashore, together with near two hundred Quintals of Choice Cod Fish, the fruits of your petitioners labor & Interest the season past. Therefore, necessitated to return to the place of his abode, your petitioner craves liberty to purchase for himself & friends there Three barrels of Rum, three barrels of Sugar, Five hundred bunches of Onions, two tierce of Molasses and Twelve bushels of Indian Corn & with provisions to return to said Yarmouth & protection for his small fishing Schooner from any Ship of War or Armed Vessel belonging to this or any of the United States of America & as in Duty bound

Your petitioner will ever pray &c

JOSHUA TREFFRY

Boston, Oct. 13, 1780.

Portsmouth September the 24th, 1780

We hwo names are under Riten hwo have Bin Taking By the Enemy have ufed means to Git as far We/tward as Cape Sue and from thence Wa/ Safe Brought Into Portsmouth By mr Skipper Jo/hu Trefry and as Pa/sengers We Do De/ire the favor of Granting him the Liberty of Carrying forty or fifty Bu/hels of Corn home on account of Favours Received from him or otherw/e we had Suffered

To the honourable General Court  
or Re/spective Committes  
or to any home It may Consarn

GEORGE WEST, Junr  
JOHN TUCKER  
AARON BLOWMAN  
THOMAS JACKSON  
STEPHEN STACEY  
HENRY DARLING  
JOSEPH DIAMOND  
GEORGE BROWN  
AMOS HUMPHREYS  
THOMAS DOD  
GEORGE KNIGHT  
WILLIAM WITMARSH  
ANDREW RICHARDSON

Council Chamber, Oct. 13, 1780:

Read & Ordered: That the Prayer of this Petition be so far granted that JOSHUA TREFRY of Yarmouth in Nova Scotia be and hereby is permitted to return to Nova Scotia & to carry with him five hundred Bunches of Onions and Eight Bls of Cyder in his small fishing Schooner and the Naval Officer for the Port of Boston be and hereby is directed to grant the Necessary Papers for the Clearance of said Vessel with the said Articles on Board—And all Commanders of Armed Vessels & others belonging to this State are hereby directed, and all Commanders of Armed Vessels & others belonging to the United States are requested not to Molest or impede the Said Vessel with Said Articles on Board in her Passage to Yarmouth aforesaid.

Attest

JOHN AVERY, D. Sec.

Mass. Archives, Vol. 177, p. 191; also Vol. 186, p. 324.

\* \* \* \* \*

Oct. 17, 1780. ARCHELAUS CROWELL, BENJAMIN KIRBY, ELEAZAR CROWELL & OBEDIAH WILSON, all of Port Roseway, petition the General Court, stating that while on their way from Port Roseway to Newburyport in their "Chaloupe" or schooner, the "Betsey" burdened 8 tons, with 80 quintals of fish on board, they were captured by an American privateer and taken into Salem, but that their captors have since generously restored their vessel to them. They pray that they may have permission granted them to return home with provisions and supplies, and further desire leave to return agai'n with another cargo of fish. Their petition was granted in part, and they were permitted to sail for home with a portion of the goods petitioned for.—See Mass. Archives, Vol. 177, p. 208.

This Certifies that to our certain Knowledge the Bearer hereof, OBEDIAH WILSON, & his Father formerly of this State now of Barrington, Nova Scotia supplied the Brigantine Mercury Privateer, Stephen Hills Commander, when put in there in Distress for Provisions in the Month of December 1779, to the best of their Ability with such Provisions & other Necessaries as we then stood in Need of, as witness our Hands with the Offices we then respectively bore on said Vessel affixed to our Names, Boston October the ninth 1780.

J. R. STEVENSON, Surgeon  
GEORGE WHEELWRIGHT, Clarke  
CHARLES HEATH  
THOMAS KANNADY

## CHAPTER XXVII.

Commonwealth of Massachusetts Bay  
To Hon<sup>o</sup> y<sup>e</sup> Senate & Hon<sup>o</sup> House of Representatives  
of sd Commonwealth in General Court assembled.  
The petition of THOMAS GREENWOOD of Barrington in  
Nova Scotia

humbly sheweth

That sd Petitioner, at the request of not less than eighteen Families at & near Barrington, (all friends to the cause of the United States of America) took on board his Shallop, abot 95 Qtls Fish (the property of sd Family's) for the purpose of investing y<sup>e</sup> net proceeds in such articles, in Boston, as were absolutely necessary to supply their wants against the approaching winter. Y<sup>r</sup> Petitioner, & the several family's (formerly Inhabitants of this State) have as far as their poor abilities would admit, supplied the wants of their Countrymen, who have been involuntarily captur'd by the Enemy and carry'd to Nova Scotia, and are heartily inclined, in the cause of their Countrymen.

Therefore your petitioner humbly requests y<sup>r</sup> Honors to grant him leave to carry such necessary supplies to each suffering fami<sup>ly</sup>, in Corn, Rye, Flour, &c. to supply their necessary wants for the approaching Winter, & in such proportions as your Excellency, & Honors in your great wisdom shall see fit and as in duty bound will ever pray &c.

THOMAS GREENWOOD

Commonwealth of Massachusetts;  
In the House of Representatives

On the Petition of THOMAS GREENWOOD

Resolved

That the said THOMAS GREENWOOD be & he hereby is permitted to carry out of this Commonwealth into the Province of Nova Scotia a Quantity of Grain not exceeding forty Bushells for the Support of certain Families mentioned in his said Petition.

Read & Accepted

Sent up for Concurrence,

In Senate Nov. 13, 1780

Read & Concurred,

JERR. POWELL, Prest.

Approved,

JOHN HANCOCK

Mass. Archives, Vol. 230, pp. 83-5.

CALEB DAVIS, Speaker.

\* \* \* \* \*

Commonwealth of Massachusetts

To his Excellency JOHN HANCOCK, Esqr., Governour in & over said Commonwealth in  
Council Sitting December 1780.

The Committee of Correspondence, &c. for the Town of Boston beg leave to represent to Your Excellency that JOHN TILLEY of Boston, Mariner, about eight weeks since, without permission or authority first had from this Commonwealth sailed in conjunction with one ANSEL UMOSEY, from this Port, to a place called Cape Basseau within the dominion & territories of the Enemy; That the said John in the course of said Voyage carried on with the Enemy a clandestine & Contraband trade & also knowingly secreted, aided & assisted & effected the escape of three British Officers; Vizi Messrs Sandford, Miller & Davis, who had

a few days before broke from the Common Gaol at Concord, by transporting of them in said Vessel within the Jurisdiction of the Enemy, the said John boasting of having received an equal sum with the above mentioned Crosby as a reward for such services. These facts from the Confession of the said John Tilley & the concurrent testimony of other Witnesses appearing evident to the Committee they cannot but hope that this publick representation to Your Excellency will be esteemed consonant to the duty which more especially as a Committee they owe to the Publick

By Order of the Committee  
NAT. BARBER,  
Chairman.

Boston, 8 Decem. 1780.

In Council, Dec. 12, 1780: Read and Advised that the Subject Matter of this Recommendation be and hereby is referred to Joseph Greenleaf & John Avery, Esqrs, two Justices of the Peace in the County of Suffolk to take such Order thereon in the Premises as to Law & Justice shall appertain.

JOHN HANCOCK

Mass. Archives, Vol. 177, p. 268-9.

The findings of Messrs. Greenleaf and Avery, or any subsequent action in the matter by them, do not appear to have been recorded anywhere in the Archives.

\* \* \* \* \*

*To his Excellency the Governor and Honble Council  
of the Commonwealth of Massetts*

The Petition of SOLOMON RIDER of Yarmouth, in Nova Scotia,  
Humbly Sheweth

That your Petitioner presented a Petition to the Hon'ble Council the 14th of August last for permission to transport sundry Articles from this State to Nova Scotia with permission to return with a cargo of Fish and Oil which was granted in Consequence of his Attachment to this State in Conveying from Time to Time American Prisoners from Nova Scotia—he would now humbly ask a further indulgence to invest the net Proceeds of the Fish & Oil aforesaid in W. India Produce and other Articles, and about fourteen Bushels of Grain for his Familie's Use, which Quantity he can make appear, he expended for the support of a number of Prisoners, and also for permission again to return to this State with some Fish that he left Green in said Yarmouth. . . . Your Petitioner therefore humbly requests your Excellency & Honors to grant the Prayer of this Petition for the Reasons mentioned and to direct the Naval Officer for the Port of Boston to clear out the small Schooner called the Sea Flower with Said Articles on Board and as in Duty Bound will ever pray, &c.

SOLOMON RIDER

Boston, Dec. 9, 1780.

In Council Dec. 12, 1780: Read & Ordered, that SOLOMON RIDER an Inhabitant of Yarmouth in Nova Scotia, be and hereby is permitted to Invest the Net Proceeds of his Cargo of Fish imported from Said Yarmouth, in West India Produce Which the Naval Officer for the Port of Boston is hereby directed to clear out in the Schooner called the Sea Flower, for Nova Scotia, and not to suffer him to carry more provisions than are Necessary for his Voyage there. And Said Rider is directed not to return again into this Commonwealth. And All Commanders of Armed Vessels and others belonging to this State are hereby directed, and all Commanders of Armed Vessels belonging to any of the United States are hereby requested to permit the Schooner Seaflower to pass unmolested to Yarmouth in Nova Scotia with the Said Articles on Board

Attest

JOHN AVERY, Secy.

To their Honors, the Governor and Members of the Great and General Court of the Common-wealth of the Massetts Bay, holden at Boston, in New England.

GENTLEMEN:—

Being sundry Times in like Circumstance compel'd to apply to you for redress, your former Favour encourages me again to make application to you as I retain my former principles of aiding distressed Americans as far as their Necessities and my abilities would admit, for when your last Favours were bestowed, notwithstanding your requisites were not Complied with, yet the honors I received from you did much more than compensate for the Losses I sustained by their non-compliance, but the Generosity of the Gent'm of Marblehead in a great measure (for my good Services to them and many others, as hath sundry Times fallen under your consideration) has in some measure made up for my Losses. but being bound home I was taken by a Liverpool Privateer. I was carried their and all my Interest seized, my boat only accepted, and there meeting with two Bermudian Gentlemen who were in need of a Master and Pilot to bring their Ship with a Cargo of Salt to these States. the very next Morning after our Embarkation we were pursued and taken by a Privateer Sloop from Salem, John Raval Commander, who notwithstanding I shewed him all the Writing which contained the sum of your former Favours, they were deaf thereto and instead of releasing me on Account of them, kept me and the Bermudian Gentlemen on Board the most part of their Cruise and [at] length landed us at Canso. this we supposed was in order to prevent these Gentlemen from claiming their Interest in Season. here we hired a French Shallop to bring us to the Westward, and meeting with an American Letter of marque which put into the Enemy's port, in great distress, being very Leaky, and in want of Provision and Cloathing for the Sailors,—Mr Gates, of Newbury, Owner, and Capt. Homes of Ipswich Commander. notwithstanding the Many Losses and Insults I had sustained from Americans, when they understood I was a Friend to all and every American, they applied to me and I readily furnished them with Provisions and Clothing to the amount of Thirty Five Pounds Sterling, and by their desire took the Charge of the Vessel, and by the favour of Providence conducted her safe to Newburyport, for which (to their honor I freely acknowledge) they have made me ample amends. Gentlemen, I thought it needless now to provide any vouchers, my former as I thought being sufficient, wherein I inform you of my imprisonment of board of three Men of War, and Two Prisons on Land, and if your honours will vouchsafe to read the depositions which have been made before your own Magistrates, or cast your Eye into your Secretary Office, and you'll find Two Hundred and Seventy Men that have born Witness to my Friendly disposition towards distressed Americans. Now Gentlemen that you would hear and Answer the Prayer and Petition of the Subscriber and grant him leave to return home in a small Schooner or Shallop & Effects, as there is no other Way he can possibly get home this Winter, and to return here again with his Effects in the Spring. Your Compliance, Gentlemen, will very much oblige your honour's most humble and devoted Servant

JOHN MAGRAY

Marblehead, Dec. 25, 1780.

*Mass. Archives, Vol. 231, p. 61-64.*

Capt. Magray's petition is endorsed with the signatures of 72 inhabitants of Marblehead, Salem, Ipswich, Gloucester and Newburyport.

The seizure of the salt-laden vessel, mentioned by Capt. Magray, was illegal. Salt was so scarce in the Colonies as to make a ship loaded with it a very valuable prize, and Capt. Raval, of the American privateer, evidently appreciated this fact. But there was one obstacle in the way of his seizing the ship. The Continental Congress had enacted a law early in the war, that the inhabitants of Bermuda, the Bahamas and New Providence, although British subjects, should be treated as neutrals, and that their property, on the high seas or otherwise, should be exempt from reprisals or seizure by American ships-of-war or privateers. Hence Capt. Raval's reason for retaining custody of the "Bermudian Gentlemen" and Capt. Magray, and finally landing them in the extreme northern part of Nova Scotia. He wished to give his prize crew ample time in which to sail his prize safely into



Salem, and to have her libelled and condemned in the Maritime Court there without the defence having any opportunity to show their exemption from seizure under the law.

Another interesting point is developed in Capt. Magray's petition. He states that while homeward bound from New England "he was Taken by a Liverpool Privateer" and was deprived of all his property except his vessel. After being abused, insulted and robbed by American privateers, it certainly must have been rather discouraging to Capt. Magray to be obliged to submit to the same treatment from a privateer fitted out in a home port.

#### Commonwealth of Massachusetts

In the House of Representatives, Feb. 1st, 1781.

On the Petition of JOHN MAGRAY, an Inhabitant of Yarmouth in Nova Scotia praying he may have leave to go Home in a Small Schooner or Shallop with his effects and return to this State again with his effects next Spring—

Resolved that the Prayer of his Petition be so far granted that the said John Magray have leave to proceed to Nova Scotia as above mentioned and carry with him One thousand bundles of Onions, fifty Bla Cyder, One thousand weight Brown Sugar, three barrels West India Rum, and one quarter Osk wine (this Court being satisfied he has Interest in this State sufficient to purchase said Articles) he giving Bond to the Naval Officer of the Port he may sail from with two sufficient Sureties in the penal Sum of One Thousand Pounds, New Emission, conditioned that he carry with him no other Articles but such as are mentioned in this Resolve except Necessary Stores for the Voyage.

And the Commanders of All Armed Vessels and others belonging to this State are hereby directed to suffer the said Magray to pass with his Vessel unmolested, etc., etc.,

Sent up for Concurrence

CALDER DAVIS, Speaker.

In Senate, Feby. 2, 1781,

Read and Concurred

JEREMIAH POWELL, President.

Approved

JOHN HANCOCK.

To the Governor, Council, Senate, and House of Representatives conven'd at Boston June 6, 1781.

#### GENTLEMEN:

You (under God) being the Fathers of your People, more immediately under your inspection and care, and the Succourer of your persevering Friends, situated more remote from your inspection (and whom a Branch of the Atlantic separates from being sheltered under the Wing of your paternal Care) which by a long series of Concurrences I have Joyfully experienced, and which now emboldens me once more to prostrate myself at your feet, for redress of Grievances. your honors may remember (for certain good services to America) you gave me a permit last February to return home, under certain restrictions which I complied with as far as circumstances would admit, but I could not purchase a vessel capable of conveying myself and effects home at that Season of the Year. I was obliged to get Passage home in a Vessel at Portsmouth, and then could not carry away all my Effects and as your permit indulged me to return back again in the Spring, I made no scruple but your honor's permit would screen me from all and every insult or inconvenience that might accrue. but before I proceed, permit me to lay before your honors the dangerous situation I have involved myself in by my attachment to the American Cause. no sooner had I arrived at Nova Scotia, but the report was that I had Victualled and Clothed the Crew of a Letter of Marque Ship, and had officiated as Pilot to convey her secretly away to the American Territories, contrary to my duty, which was to [have] made complaint and had her seiz'd, and by this means (as they said) I should have done my duty, and have acquired a much greater reward than I did by my disobedience, for which (as they said) I ought to swing, for an Example to other Rebels and Traytors. accordingly I was made a Prisoner and carried on board a Man of War, and drag'd before their Tribunal to be judged (and if proved against me) condemned to Death, and confiscation of my Effects, for such a disloyal Crime. this is the fourth time I have been imprisoned on board their Ships, and twice on Land, for no

other Crime but my attachment to the American Cause, but have hitherto escaped their Hands only for want of sufficient Evidence, and I trust I may remain unrival'd a Friend to America and her laudable Cause, as I all along have, notwithstanding the repeated ravages made upon me by both Sides, And notwithstanding many of my Neighbors have violated their obligations. And as I have never carried out of these States one Bushel of Corn, or any other Provisions for my Familie's expence, but it hath cost me many a Barrill of Flour for the support of distressed Americans, I know your honors can, and I dont not but will, make a distinction between Feigned and Unfeigned Friends and grant me the privilege of returning home to my Family with my small Shallop and trifling Effects, and whatever Bond you may please to lay on me, I shall acquiesce with, as heretofore. your compliance to this my humble prayer will lay me under new obligations, and much oblige the public & Gentlemen, your humble and devoted Serv't

JOHN MAGRAY

Now even while I am petitioning your Honors, my Shallop and small Effects is Seized contrary to my Expectation, and the tenor of your permit, as I understand it; now as a part of my Business here was to bring up Americans, which I effected at my own Charge, I hope your honors will regard my petition above, with this addition, that my Shallop and Effects may be restored to me again. thus humbly prays, Gentlemen, your much obliged humble Servant

JOHN MAGRAY

Capt. Magray's petition is endorsed by Samuel Ashton and 20 others, probably inhabitants of Marblehead. In transmitting the above petition to the great and General Court at Boston it was in some unaccountable manner mislaid, necessitating Capt. Magray's having a new petition drawn up upon his arrival in the latter town. This second petition, in much less stilted language, recites the facts contained in the first, and is endorsed by a number of citizens of Boston. It is accompanied by the following document:

MARBLEHEAD, June 6, 1781.

Honble House of  
Representatives

May it please your Honors

In Consequence of a permitt you were pleased to grant unto one John Magray of Nova Scotia in Feb'y last to go from hence to his family with Supplies which lives in that Govern-ment, he is now come here again with a few articles such as abt three Quintalls fish, twenty— (illegible) pounds of bever & 6 barils of herring & as the Laws of this commonwealth forbid such Interourse & he pleads ignorance respecting ye Laws Should therefore esteem it as a favour you would direct me what measures to take and as in duty bound will ever pray

&amp; am your honors most Obedient

humble Servant

JOHN GERRY, Naval Officer

Commonwealth of }  
Massachusetts }

In House of Representatives, June 11, 1781.

On the petition of JOHN MAGRAY of Yarmouth in the Province of Nova Scotia setting forth that his two mast Shallop has been seized at Marblehead, that he has been friendly to the American Cause & Prisoners, praying that the said Shallop may be restored and that he may have a permit to go with her to Yarmouth & return to this market with fish &c.

Resolved that the prayer of the petition be so far granted that it be and hereby is recommended to the Naval Officer at Marblehead to restore said Shallop to the sd John Magray, his paying the charges that may have arisen and that he have leave to proceed with her to

Yarmouth in Nova Scotia, carrying with him no articles except Necessary Stores for the Voyage and that he do not return with any Effects to this Commonwealth except he bring with him his family to remain an Inhabitant. And the Commanders of All Armed Vessels and others belonging to this Commonwealth are hereby directed to suffer sd Magray to pass with his Shallop unmolested, and it is hereby recommended to the Commanders of all Vessels belonging to the United States or any of them to let the sd Magray pass as aforesaid without hindrance

Sent up for Concurrence

NATH. GORHAM, Speaker,

In Senate June 12th, 1781.

Read & Concurred

S. ADAMS, Pres'd

Approved,

JOHN HANCOCK

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\*Which had on board Four Thousand Five Hundred bushels Salt.

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t he bring  
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y to pass  
all Vessels  
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Speaker,

## CHAPTER XXVIII.

To the Honorable the Senate & House of Representatives for the Commonwealth of Massachusetts, in General Court assembled

Humbly shews the petition of SAMUEL SHELDON POOL, SETH BARNES and JAMES KANE, mariners, all of Cape Forchu in the Province of Nova Scotia, that the said Kane and Pool, on their passage from Halifax to said Cape, were taken and bro't into the port of Boston, and that said Barnes bro't into this port several American Prisoners,—

They are all of them Inhabitants of the Western parts of said Province and live very near the extreme parts of the Eastern Country which is within the jurisdiction of the United States. their situation is so incapable of defense, and so exposed to the depredations of either party, that they have ever been considered in a State of Neutrality—the private characters of your Petitioners are universally known to be favorable to the United States, and notwithstanding the restraints of the British Government, they have repeatedly exerted themselves in assisting the escape of American Prisoners, by concealing them from pursuit and landing them in some American port.—vast numbers during the War have taken refuge with them and can retire no further, as the sea intercepts their passage and wholly cuts off their retreat; unless therefore, the people of the country will provide vessels and otherwise promote their escape they must be obliged to surrender themselves prisoners at discretion. Your Petitioners, as they have ever offered, so they wish to continue their friendly services to Prisoners of this description, but the late acts for restraining an intercourse with Nova Scotia, and the unremitting vigilance of the Privateers have rendered their further assistance utterly impracticable—for the reasons assigned in the Premises, they pray that leave and protection may be granted them to return to their families, and that a Committee may be appointed to hear their proposals for continuing the like services on terms beneficial to this Community and convenient to themselves. And as in duty &c. will ever pray

SAMUEL SHELDON POOLE in behalf  
of the whole.

Commonwealth of Massachusetts.

In the House of Representatives, Apr. 16, 1781.

On the Petition of SAMUEL SHELDON POOLE, SETH BARNES and JAMES KANE, the Petitioners have liberty to procure a vessel not exceeding Twenty Tons Burden & proceed in her to Cape Forchu in Nova Scotia, & the Naval Officer of ye Port of Boston is hereby directed to clear sd Vessel out (A) & not to suffer any (B) article to be carried in sd Vessel Excepting Provisions Sufficient for the men who navigate her to carry her to sd Cape Forchu, & all Commanders of Armed Vessels belonging to this Commonwealth, are hereby directed & all Commanders of Armed Vessels belonging to any other of ye United States are requested not to Seize or Molest sd Vessel or Men in their passage to sd place

Sent up for Concurrence.

CALEB DAVIS, Speaker

In the Senate, April 17, 1781

Read and concurred with an Amendment A to B.

Sent down for Concurrence

JERE. POWELL, Prest.

Viz: *Dele* from A to B. & insert "The  
Said Samuel Sheldon Pool,  
Seth Barnes & James Kane giving Bonds  
to the said Naval Officer that no"

In the House of Representatives, Apr. 17, 1781

Read & Concurred

CALEB DAVIS, Speaker.

Approved

JOHN HANCOCK

Mass. Archives, Vol. 187, p. 96-7.

\* \* \* \* \*

To the Honble the Senate and Honble House of Representatives of the Commonwealth of Massachusetts, in General Court Assembled in Boston—

The Petition of ZACHARIAH FOOT for himself and in the behalf of BENJAMIN BARNARD, NATHAN UTLEY and DOCT<sup>r</sup> RICE Humbly Shews:—

That the late Act of Congress prohibiting any Trade or Intercourse with the people down there, bears very hard upon your pet<sup>r</sup>, and if there is not some indulgences allowed many poor unhappy Prisoners that fall in there must certainly Suffer, if not Perish for want of the Necessaries of Life, as well as your petitioners

That lately sundry Prisoners came there whom your petitioners have supported for some time out of their own Family Stocks, and it will be very discouraging if they are not permitted to purchase here at least as much as they Expend for the Support of American Prisoners

That your Pet<sup>r</sup> Foot, at the Earnest Solicitation of some Prisoners there ventured to bring up Five of them in a Small Boat in her Ballest, upon no other business but to relieve them and to represent their case to this Honble Court. And as your pet<sup>r</sup> have rendered themselves very obnoxious to Government there, on account of their aiding Americans, it is very hard upon them.

That your pet<sup>r</sup> don't Wish for Liberty to Trade with any British Manufactures, but only for leave, from time to time to bring up Prisoners as they fall in there, and also some fish, and therewith to purchase some Grain and other necessaries of Life to replace what has been or may be Expended for the Support of the American Prisoners, Otherwise it will be out of their Power to afford them any Relief.

Your pet<sup>r</sup> therefore humbly pray this Honble Court would be pleased to permit them to bring up Prisoners as they fall in there, and also some Fish, and also that they may be permitted to purchase here Corn and some other necessaries of Life. And y<sup>e</sup> pet<sup>r</sup> Foot prays that he may now be allowed to purchase some Grain & other Necessaries of Life and to carry them down in his Boat. They also pray this Honble Court would be pleased to forbid American Privateers from going on shore and Robbing the Poor People there

And in duty bound shall ever pray &c

ZACHARIAH FOOT

We the Subscribers, two of the Prisoners brought up by Capt. Foot, having read the foregoing petition, find it just and true. he Boarded us one whole month, and for want of Sufficiency of Provisions in his own house was so kind as to Board us out in another, and we must have Suffered if he had not Supplied us, and if the Honble Court should see meet we should be glad to be Examined upon the affair, not only for the sake of Mr Foot, but for the Sake of our Brethren who may again fall in there.

SYLVESTER PENDLETON  
JAMES PARKER

In Senate, May 11, 1781.

Read & thereupon Ordered that Nath. Gorham with such as the Honble House shall join be a Committee to take this Petition into Consideration and report what is best to be done thereon.

Sent down for Concurrence

JERR. POWELL, Pres.

In the House of Representatives, May 18, 1781.

Read and non-concurred, and thereupon ordered that this petition be referred to his Excellency the Governor and Honble Council to take such measures thereon as may be most proper.

Sent up for Concurrence,

CALEB DAVIS, Speaker.

In Senate, May 13, 1781

Read and Concurred

JERR. POWELL, Presd.

Approved,

JOHN HANCOCK.

Commonwealth of Massachusetts.

In Council, May 29, 1781

On the Petition of ZACHARIAH FOOT in behalf of himself and BENJAMIN BARNARD & others, of Nova Scotia—

ADVISED that the prayer of this Petition be so far granted that Zachr. Foot be permitted to transport from this Commonwealth to Nova Scotia in a small boat, fifteen Bushels of Corn and grain, One Cask of Molasses, One Cask of Rum, One Bl. of Pork, one Cask of Sugar, one Bag of Coffee & one Small bag of Cotton.—And that the Naval Officer for the Port of Salem, is hereby directed to give the Necessary Papers for the Clearance of said articles. And all Commanders of Armed Vessels and others belonging to the United States are requested not to molest or impede the said small Boat with the said articles on Board.

And whereas it appears that the said Zachr. Foot hath manifested a friendly Disposition to the United States in supporting and bringing a number of Prisoners (who have been unfortunately captured and carried into the Province of Nova Scotia) to this Commonwealth: Therefore it is further ordered that whenever it shall appear to the Gov. & Council that the said Zachr. Foot hath had occasion to bring Prisoners from said Province that he be indulged to ship on Board his small Boat a Quantity of Fish & bring the same to this Commonwealth, and to bring no other Articles except so much Provision as will be necessary for his Voyage

Attest

JOHN AVERY, D. Secy.

Mass. Archives, Vol. 233, p. 180-1; Vol. 177, p. 493.

To the Honble the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court Assembled  
Humbly Shews—

THOMAS MERRYFIELD SCHELL, of Argyle, at Cape Versue, Husbandman, that your petitioner has been a peaceable Inhabitant of that Country for many years, tho' a Native of Marblehead in the County of Essex. That your Petitioner from a firm affection to the American Cause, as well as from a sincere sympathy in the distresses of his fellow-creatures, has since these troublesome times, employed himself frequently in Assisting Americans who have been Prisoners with the Enemy, in their Escape, and to distressed Mariners he has often afforded all the Relief in his power. He has several times brought Americans, who have been thus unfortunate, in his own boat, & at his own expence, to these Shores; concealing them at the hazard of his life from the Britons, their pursuers.—Your Petitioner relying in some measure on a Merit, which he founds on these Services to Numbers the Inhabitants of this & other the United States, now presumes to represent his singular distress to this Honble Court & humbly to pray their Justice & Compassion.

Your Petitioner was assaulted near the Shore of Said Cape by one William Edwards and others, his Companions, Inhabitants of this State who deprived him of a small open boat, which he has used in fishing, & in the supply of the Necessities of himself and family—Small as this prize is to them, they have taken from him his chief means of Subsistence, & the Whole of his little property.

These men were authorized by no Commission under this Government or any other to make reprisals on British Subjects, nor for any other purpose—he therefore does not consider himself as sharing merely the fate of a common enemy, tho' a true and sincere friend to the

Americans; but as an unfortunate man, who has fallen into the hands of lawless, unpitiful, inconsiderate men, and who are not protected by the Laws of this State, or by the Rights of Nations—in their cruel Acts.

This boat has been brought to Salem in the County of Essex, & there sold without any Condemnation, or leave from the Maritime Court.—Perhaps the Captors, conscious of their wanting a legal Authority for their Capture, were cautious to avoid a Trial of their Claim.

Your Petitioner therefore humbly prays, that your Honours would take into consideration his present distress, and would direct the said William Edwards & others, the Captors, to restore the said Boat to your Petitioner, or that some other means may be used to prevent the said Edwards & his said Companions from enjoying the fruits of their violence, in contempt of the Laws of this State and the Practice of Civilized Nations, even against their most declared & inveterate foes

THOMAS MERRIFIELD SCALE

Marblehead, May 28, 1781.

And we the Subscribers, from a feeling for the Rights of Human Nature, & because we detest proceedings thus cruel & lawless, do most heartily join the above Petitioner in his Prayer, and beg leave to recommend his Case to the Compassion of your Honours.

(Here follow the signatures of ninety-three inhabitants of Marblehead, headed by Benj. Bowden, Jr.)

Commonwealth }  
of Massachusetts } In the House of Representatives, June 8, 1781.

On the Petition of THOMAS MERRIFIELD SCALE, setting forth the Lawless Conduct of William Edwards, in Seizing & arresting a shallop (Called the Argyle) out of the hands of Said Petitioner and praying that the property may be restored—

Resolved that the Petitioner Serve the adverse party with a copy of Said Petition, with this order of Court thereon to appear on Monday the Eleventh instant at 10 o'Clock in the forenoon at the State House in Boston to shew Cause if any they have why the Prayer of said Petition Should not be Granted.

Sent up for Concurrence

NATHANIEL GORHAM, Speaker.

In Senate June 8, 1781.

Read & Concurred

SAML ADAMS, Pres

Approved

JOHN HANCOCK

Mass. Archives, Vol. 233, p. 277.

Commonwealth }  
of Massachusetts } In the House of Representatives, June 14, 1781

On the Petition of THOMAS MERRIFIELD SCALE, praying for the Restoration of a Boat lately taken from him & sold as a prize by William Edwards & others—

Resolved that sd Scale be & he hereby is allowed to prosecute for the recovery of said Boat agreeable to the Laws of this Commonwealth

Sent up for Concurrence

NATH. GORHAM, Speaker

In Senate June 14, 1781

Read & Concurred

S. ADAMS, Pres

Approved

JOHN HANCOCK.

Only a few fragments of the Maritime or Prize Court records remain at this time, and any further record of Mr. Scale's efforts to regain possession of his property are not to be found.

## CHAPTER XXIX.

To the honorable Senate and honorable House of Representatives of the Commonwealth of Massachusetts in General Court Assembled.

The Petition of THOMAS FLINT and DAVID CORNING, both Inhabitants of Cape-purse in the Province of Nova Scotia  
Humbly Shews

That your Petitioners always bearing good Will and affection towards the United States of America and ever fond of assisting the Subjects of them, when in Distress and Difficulty, beg leave to trouble your Honors with the following facts and pray the Interposition of your Honors in their behalf:—That Thomas Flint, one of your Petitioners, going into a harbour in Nova Scotia in a small Schooner of about twenty Tons burthen, called the Hannah (the property of your Petitioners) met with a small Vessel, a prize to the Privateer Brigantine, belonging to Salem, called the Captain Donaldson;\* that said Prize was in great Distress, being very leaky; that your Petitioner Flint at the Desire of the Prize Master went on Board the Prize, and assisted the Crew in endeavoring to stop the leak and in lightening her by taking out part of the Cargo and putting it on board your Petitioners' Schooner. That the Prize proving too bad to proceed to Salem, your Petitioner Flint took the Crew and the remaining part of the cargo on board his Schooner and brought them to Cape pursue with a view of procuring a Vessel to bring the Crew and the Cargo of the Prize which your Petitioner had saved up to Salem. That your other Petitioner Corning actually got a Vessel and part of the Cargo of the Prize was put on Board of her; when the said Privateer came into Cape pursue and the Captain ordered your Petitioners to carry the Cargo up in their Vessel, but being made acquainted with the Services your Petitioners had rendered to his men, told them he would give up their Schooner to them after her arrival at Salem, and that your Petitioners brought up the Cargo of the Prize to Salem; all which facts your Petitioners have certified under the hand of the Prize Master.

And your Petitioners further shew that the owners and Officers and Crew of the said Privateer have consented to release their Schooner to your Petitioners, if your Honors will pass such orders as shall make their Liberality of Service to them. your Petitioners pray your Honors that they may have Liberty to hold their Vessel and that Permits be granted them to go to Cape pursue with their said Schooner, and further that they may have license to carry with them twenty Bushels of Indian Corn, a Cask of Rum, a Cask of Sugar and a Cask of Molasses

And your Petitioners would further trouble your Honors by shewing that many Prisoners Subjects of the United States are frequently escaping from Prisons and Guardships after being long confined at Halifax and other places and come to Cape pursue and for want of a passage from thence to some port Subject to the United States are taken up and sent to their former Confinement, and your Petitioners are very desirous to assist them in getting up to their Families and Friends, but being poor your Petitioners are incapable to do it unless your Honors would grant them some Favours & Indulgencies, and your Petitioners depending entirely for the Support of Themselves and Families upon the Fishery they pray that they may have passports and safe-conducts to secure them from seizure by Subjects of this Commonwealth and others of the United States in pursuing their said Business and that when your Petitioners shall find any Prisoners desirous of coming into this State they may have liberty to bring them up in some small Vessel and likewise bring in their said Vessel the Fish which they so shall have taken, and dispose of the same in this Commonwealth and return without Molestation

And your Petitioners as in Duty Bound will ever pray

THOMAS FLINT  
DAVID CORNING

\*The Brig. "Captain," John Donaldson, Commr.; owned by Benj. Needham *et als.* of Salem; Com-missioned Feb. 9, 1781.



Commonwealth of Massachusetts.

In the House of Representatives, June 9, 1781.

Upon the Petition of THOMAS FLINT and DAVID CORNING, of Cape Persue in the Province of Nova Scotia—

Resolved that the prayer of the petition be so far granted as that they may have liberty to depart from this Commonwealth with the Schooner Hannah for sd Cape Persue, and that they have permission to carry such Necessary Stores for their families in sd Vessel as the Selectmen of the Town of Salem may judge expedient

And it is further Resolved that said Vessel with her effects have the permission of this Court to proceed to Cape Persue free from any molestation.

Sent up for Concurrence

NATH. GORHAM, Speaker.

In the Senate June 13th, 1781

Read & Concurred

S. ADAMS, Pres't.

Approved,

JOHN HANCOCK.

Mass. Archives, Vol. 233, p. 260.

\* \* \* \* \*

To the Honble the Senate and Honble House of Representatives of the Commonwealth of Massachusetts, in General Court Assembled at Boston, June, 1781

The Petition of EPHRAIM COOKE, Esqr, of Capersue in the Province of Nova Scotia  
Humbly Sheweth

That your Petitioner formerly belonged to Kingston within this Commonwealth where he now owns a Real Estate; from whence he moved to Nova Scotia some years since, and he was a pensioner to this Government having lost his Leg in their Service, but has never received his pension since the Commencement of the present War. That your petr lately came up to settle his affairs and take care of his estate in Kingston. And is now about returning home if he can obtain a permit from your Honors.

He therefore humbly prays your Honors would be pleased to grant him a permit to return back to Capersue and that he may have liberty to carry with him two barrells of Sugar, one barrell of Rum and a barrell of Cyder, And also that he may be permitted to return here again & bring with him Fish, Beaver and other Furs.

And as in duty bound shall pray &c.

EPHRAIM COOK.

Boston, June 15, 1781.

Commonwealth of Massachusetts.

In the House of Representatives June 23, 1781

On the petition of EPHRAIM COOK, Esqr praying for liberty to repair to Nova Scotia with some effects, Resolved that Ephraim Cook, Esqr have liberty to return to Cape Persue (A) and carry with him one Barrill Rum two Barrills sugar and one Barrill Cyder (B).

Sent up for Concurrence

NATH. GORHAM, Speaker.

In Senate, June 23, 1781.

Read & Non-Concurred

S. ADAMS, Pres'd.

June 23, Reconsidered and concurred with an amendment from A to B.

Send down for Concurrence

S. ADAMS, Pres'd.

Dele from A to B and insert—provided that the said petitioner be not permitted to return

to this Commonwealth & the Naval Officer of the port from which he shall depart shall take special care that he carry no Letters or Effects.

In the House of Representatives, June 23, 1781

Read & Concurred

NATH. GORHAM, Spkr.

Approved,

JOHN HANCOCK.

*Mass. Archives, Vol. 233, p. 430.*

Ephraim Cook served in the French and Indian war, which ended with Wolfe's conquest of Quebec. His name appears on a billeting roll of Capt. Gamaliel Bradford's Company. He enlisted April 11, and served until May 31, 1758. His application for a pension, in which he describes the manner whereby he lost his leg, is still extant, and reads as follows:—

Province of Massachusetts Bay.

To His Excellency Thomas Pownall, Esq, Capt General and Commander in Chief in and over his Majesty's Province of the Massachusetts Bay in New England &c, and to the Honble his Majesty's Council and House of Representatives in General assembled Mar. ye 3d 1759.

The Petition of EPHRAIM COOK of Kingston, in New England, in the County of Plymouth Humbly Sheweth

That your Petitioner enlisted himself in the late expedition against Canada under the Command of Capt Gamaliel Bradford in Col. Doty's Regiment, and so it was may it Pleas your Excellencies and Honors, that after our Regiment came back over Lake George your Petitioner was ordered up Mohock [Mohawk] River in order to Build a fort at the Great Carr[y]ing Place\* and after he came there was ordered to work in Building sd Fort and in hoisting up a large stick of Timber the Ropes Broke and sd Stick of Timber fell and unfortunately fell on your Petitioners Leg and broke it almost to peaces but had it soon set by the Doctors as well as it could Possible Could Considering how Badly it was broken but after your Petitioner had Endured the Most Exquessit Pain for abouts three weeks and all the Doctors Dispaired of making a Cure of it they advised me to have it Cut off (or my Life was in Danger) and accordingly I Consented to have it Cut off which operation was performed by Doctor Hall and some other assistance, some time about the Middel of October Last and your Petitioner with a great deel of difficulty Got from Scannedea to Albany and from Albany he came by water to Hianus [Hyannis] and from Hianus to Kingston he came in a Chair, and after your Petitioner had Got Home he was at a Considerable Charge for Dontors and other Necessaries to get his wound healed, an Account whereof he is Ready to produce, but what is worst of all your Petitioner has lost his Leg a little below his knee and therefore must be a Cripple all his Lifetime. your Petitioner therefore Most Humbly Prays your Excellency and Honors would take his distressed Case into your wise Consideration and make your Petitioner such allowance and Recompense for his suffering and extra Charges as you in your wisdom think proper, or otherwise Releive your Petitioner as you in your Wisdom and Goodness shall seem meete and your Petitioner as in Duty bound shall ever pray

EPHRAIM COOKE.

Kingston, March ye 3d 1759.

N. B. Accounts above mentioned are herewith Exhibited.

In the House of Rep<sup>nt</sup> Mar. 17, 1759.

Read and Ordered that the Pet<sup>r</sup> be allowed and paid out of the publick Treasury the Sum of Seven Pounds for his Charges mentioned, and three pounds for his sufferings. And

\*Schenectady, N. Y.

that he be allowed a Pension of Four Pounds per Year till the further order of this Court  
Sent up for Concurrence

T. HUBBARD, Speaker.

In Council Mar. 17, 1789.

Read & Concurred

A. OLIVER, Secy.

Consented to

T. POWNALL.

*Mass. Archives, Vol. 78, p. 230.*

## CHAPTER XXX.

*To the Honorable Senate & House of Representatives, in General Court assembled,—*

The Petition of the Subscribers, Merchants, & others, Inhabitants of the Town of Salem humbly sheweth—that they have been informed by several Captains of Privateers & other Vessels Captured by the Enemy in the Course of the last year that the Commanders of the British Cruizers on the Newfoundland & Halifax stations have of late had an exact account & perfect knowledge of the number, force & destination of our Arm'd Vessels as well as of the value & proposed Voyages of our Merchantmen.

This information we suppose they get constantly from the Nova Scotia People trading this way; some of whom having permits from your Honors, have exceeded the limits therein prescribed them; one instance we have a special reference to is of a person of this Character that went to Halifax privately in a Flag\* & in concert with others we have reason to believe gave information highly prejudicial to the subjects of the United States.

We have good reason to think that thro' this channel of information we have lost the greater part of our most valuable Privateers & trading Vessels—We have no doubt but that the representatives of the Seaport towns in this vicinity will coincide in Sentiment with us on this Subject & another year of ill-success like the last will totally deprive us of the means of building & equipping any more armed Vessels, which we apprehend would eventually much affect the Interest of the United States.

Your Petitioners therefore humbly implore your Honors to take the matter into your wise consideration, & if you may think it expedient, put a final stop to all such permissions, & direct the Naval Officer & Selectmen to make search in each town of this State and apprehend as Prisoners of War, all Nova Scotia men that may be among us, that they may be exchanged for our townsmen & others now suffering on Board of British GuardShips.

And your Petitioners as in duty bound, &c. &c. &c.

GEORGE WILLIAMS  
and 61 others

This petition was referred to a committee, consisting of Messrs. Washburn, Goodhue and Davis, of the Senate, and Stephen Choate and Israel Nichols, of the House, which committee reported thus:—

The Committee of both Houses upon the petition of a Number of the Inhabitants of the Town of Salem praying that an effectual stop be put to the iniquitous trade carried on between some of the subjects of this Commonwealth and the subjects of the King of Great Britain, &c., beg leave to report by way of resolve

STEPHEN CHOATE, p<sup>r</sup> Order

Commonwealth of Massachusetts

In Senate Jan 24, 1783.

Resolved that no permit be given in future to any person or persons of what description soever to carry goods to Nova Scotia or any place in possession of the enemy or bring goods from any port in possession of the enemy to this Commonwealth on any pretense whatever.—And all Vessels with their effects so going to or coming from Nova Scotia or any other place in possession of the enemy (excepting such persons as have already obtained permission for themselves and property and have not deviated from such permission) shall be liable to capture and condemnation,—and shall be proceeded against in the Maritime Court for the purpose by the Naval Officer of the department where such offense may be committed—one moiety whereof shall be to the prosecutor, the other moiety to this Commonwealth—and the

\*Flag of Truce.

persons found on board any such Vessel shall be considered in every respect as prisoners of war and treated accordingly

And whereas information has been frequently given to the enemy of the situation of our trade as well as many other matters highly prejudicial to the good people of this Commonwealth by suffering the Inhabitants of Nova Scotia as well as other subjects of the King of Great Britain to go at large, it is further resolved

That all Civil, Military and Naval Officers Selectmen & Committees of Correspondence be empowered & directed and they are hereby empowered & directed immediately to apprehend every person whom they may have reason to suspect to be Inhabitants of Nova Scotia or other subjects of the King of Great Britain (except such as are excepted in the foregoing Resolve) and cause them to be carried before some Justice of the Peace in the County where they shall be thus apprehended, to be by said Justice examined.

And if after said Examination said Justice shall judge that said person or persons are Inhabitants of Nova Scotia or Subjects of the King of Great Britain, said Justice shall in that case cause said person or persons to be sent to the Governor & Council for further examination, & if the said Governor & Council shall judge that are Inhabitants of Nova Scotia or subject to the King of Great Britain, in that case the said Governor & Council are hereby authorized & empowered to send such person or persons to the Commissary of Prisoners to be exchanged for such of the Subjects of the United States of America as are prisoners with the Enemy.

Sent down for Concurrence

S. ADAMS, Pres

In the House of Representatives, Jan. 24, 1783

Read & Concurred

N. GORHAM, Speaker.

Approved

JOHN HANCOCK

*Mass. Archives, Vol. 235, p. 19-20.*

The enactment of the foregoing resolve was far reaching in its effects, and was most severely felt by our people. The first to suffer its penalties was Capt. David Corning, who thus states his unfortunate case in a petition to the General Court:—

*To His Excellency John Hancock, Esquire, Governor & Commander-in-Chief of the Forces of the Commonwealth of Massachusetts, and his honorable Council*

The Petition of DAVID CORNING humbly shews

That your Petitioner is an Inhabitant of Yarmouth or Cape Persue in Nova Scotia, & tho' he is a local Subject to his Britannic Majesty he has ever shown himself a Friend & well-wisher to the Liberties & Independence of the American States by seizing every opportunity to render them Service.—that he has during the progress of the present War as often as possible made a practice of transporting from Nova Scotia to the Commonwealth Prisoners whom the fortune of War had thrown into the hands of their Enemies, & when occupied by business of this kind he has hitherto met with such generous humane treatment as he supposed his useful Services justly entitled him to expect.—that actuated by his usual Inducement he sometime since left Capersue in a Vessel called the Sally having on board two of his fellow Subjects with Fourteen Prisoners, Subjects of the United States, with the Intent to restore them to their Country—their Families and Friends.—that being just at the Entry of the Harbour of Salem, in this Commonwealth, he was captured by the armed Schooner Fly, Commanded by Christopher Babbige, Esqr., on or about the tenth of March Instant & owned by Mr. Nathan Silsbee, of said Salem, whither by his Captors he was ordered to proceed—that on his arrival at that port he applied to Mr. Silsbee for his Companions & Vessel's Liberation who returned for answer that though he himself was fully convinced of the Justice of his [Corning's] intentions & the Services which he had already rendered this Country, he [Silsbee] could not relinquish his right to his [Corning's] Vessel and effects as a Prize, as by virtue of a late Act passed by the Legislature of this Commonwealth the Vessel &c. were liable to a Seizure by the Naval Officer & himself [Corning] & Companions to be Considered as Prisoners of War & treated accordingly, so that by a relinquishment of his [Silsbee's] Right in this Respect would be but divesting himself of the Property to vest it in the Government—that would Government quit their

Claim, to the Vessel &c., he would with Pleasure give up his title & for his [Corning's] Services to the Public restore him his Property.

Your Petitioner humbly represents that at the time of his sailing from Cape Persue, he had no knowledge of such an Act's being in Existence but supposed he might persue his former Conduct with his former Liberty & that this Act was never intended by the Legislature to disadvantageously affect the *tried friends* of this Community.

Your Petitioner therefore humbly prays your Excellency & your Honours to take this Matter into Consideration & that you would be pleased to order the Commissary of Prisoners (into custody of whom he with his Company hath been taken) to dismiss him & then immediately & that he after having his property restored to him by Mr. Silsbee may be protected from a Seizure by the Naval Officer or any other

And as in duty bound shall ever pray

DAVID CORNING.

Capt. Corning's petition was accompanied by the following letter:

Naval Office, Port of Salem, Mar. 10, 1783

May it Please your Excellency & the Honourable Council of this Commonwealth—

I take this Opportunity to Inform you that Capt. Corning was taken & Brought in here by Capt. Christopher Babbidge, Commander of the Schooner *File*, of this Port. Capt. Corning had on Board Fourteen Prisoners, & thirty or Forty Quintals of Fish (as he informs me), the Prisoners have been Living on him at Nova Scotia all this Winter as he informs me, and was now obliged to Cut out of the Ice in Order to get clear of so great an Expence & Charge. I have Examined Capt. Corning and he informs me he never new anything of the Late Act Prohibiting All Vessels coming from Nova Scotia till he was taken by the *Aforesaid* Privattire

And as it is my Duty to take notice that All the Acts Relative to my Department be Punctually Observed I shall therefore lay a Clame to said Vessel Cargo & Appurtenances, In Behalf of this Commonwealth Unless your Excellency & the Honourable Council should Direct me to the Contrary & shall waitt for your Orders. the Captors have Offered to give up there Parts of Said Vessel & Cargo, as the Master of said Vessel is a Pore Man & Meet with a great Deal of Misfortune this War, Provided the Commonwealth will Relinquish there Parts.

I shall be always Ready to Observe your Excellency's & Honours Orders in this & all other Matters that may come within the Limits of my Department with the greatest Punctuality,

& I am with great Respect

Your Excellency & Honours

Most Humble Servant

WARWICK PALFREY,  
Navl Officer

To His Excellency

JOHN HANCOCK

& the Honble Council.

Capt. Corning's petition seems to have been ignored by Gov. Hancock and his Council, and no record is given as to how long he and his two companions were held as prisoners. Their detention was of short duration, however, for on April 29th following, Capt. Corning was one of the signers of a petition of the inhabitants of Yarmouth to the government of Massachusetts, as will subsequently appear. The ultimate fate of the *Sally* is evident in the following:

Commonwealth of Massachusetts  
In Council March 15th 1782.

A Letter from Warwick Palfrey, Esq; Naval Officer dated Salem, March 10, 1782 representing that a Vessel from Nova Scotia commanded by Capt. David Corning had been Captured & bro't into Salem by a Privateer Schooner called the Fly Christopher Babbidge Commander—That the Prize had on Board fourteen American Prisoners & thirty or forty Quintals of Fish & requesting the Directions of the Governor & Council respecting the Matter.

Thereupon ADVISED That the Secretary be directed to Write to Warwick Palfrey Esq; that as the Vessel referred to was taken by a Privateer belonging to the Inhabitants of this State who have claimed said Vessel as their Prize, he as Naval Officer ought to have the Claimants to bring the Vessel & Cargo to final Condemnation in their own way & in their own Time

A true Copy

Attest

JOHN AVERY, Sec'y.

BOSTON, March 15, 1782. ORDERED—That the Secretary be and hereby is directed to write Warwick Palfrey Esq; upon the Subject Matter of the Capture of Capt. David Corning's Vessel pursuant to the above advise of Council.

JOHN HANCOCK

Mass. Archives, Vol. 178, pp. 337-341.

Thus was the evident good will of Capt. Corning's captors nullified, while Mr. Palfrey's disinterested efforts in his behalf were met with what was in effect a hint for him to mind his own business. The inhabitants of Yarmouth were not slow in realizing that the Massachusetts government had taken a decidedly prejudiced view of their situation, and the following petition was drawn up and forwarded to the authorities at Boston:

To the Honble Senate and House of Representatives of the commonwealth of Massachusetts in General Court assembled

GENTLEMEN

We, the subscribers, Inhabitants of the Township of Yarmouth in Nova Scotia, beg leave to represent to your honours our Situation, & pray for redress of some grievances which we suffer, & others we have reason to fear from the construction many of your Privateers put upon an Act of your legislature pass'd 24th January. We call to mind with Gratitude the many favours this Township has received from the Liberty granted to bring provisions here from your state in times of extreme want; when otherwise we could not have subsisted. At the same time we beg leave to mention to you the succor and relief many of your Prisoners have had from us when in distress both here and in captivity with your Enemies; of which we are persuaded you are not insensible, & to which a cloud of witnesses may be produced to Attest. Our apprehensions of danger are heightened by the frequent threatenings of some, & by the actual plundering of some others, whom we have treated with every mark of Friendship & Civility. As our situation is totally defenceless & exposed to the rapine and Devastation of every Person base enough to distress such a People, we most humbly request that you would in your wisdom find some method to restrain & prevent your Privateers from coming on shore to annoy & interrupt us in the peaceable enjoyment of our property & families; & likewise that you would point out some way that Prisoners (a number of which are with us at present & more daily expected) may be conveyed to your state. And we can Assure your honors that we are ever ready & willing to comply with every proposal &

restriction you shall enjoin upon us that is in any Measure consistent with our safety. And as in Duty Bound your Petitioners shall ever pray

Yarmouth, April  
29th 1782 }

SETH BARNES  
WILLIAM COFFRAN  
EMMA CHURCHILL  
EBENEZER ELLIS  
GEORGE BRIDGEO  
JOHN CLARK  
ELKANNAH CLEMENTS  
PAUL GOWEN  
JOSEPH HILL SANDERS  
JOHN CLEMENTS  
PELEG HOLMES  
JAMES GAIN  
DAVID CROCKER  
MOSES PERRY  
EBENEZER CROSBY  
JONATHAN CROSBY  
THOMAS TRASK  
EPHRAIM WYMAN  
WM. HANNOVER  
ELEAZER BUTLER  
JOHN MAGRAY  
JAMES ROBBINS  
DANIEL RAYMOND  
ALEXANDER BAIN  
ZACHARIAS FOOT  
EBENEZER CORNING  
DAVID CORNING  
EBENEZER CORNING, Junr.  
EZEKIEL ELLIS  
JAMES MATTENLY  
JONATHAN CORNING  
DAVID HARRIS  
EL-SADIAH PORTER  
THEOPHILUS CROSBY  
JOHN PARRY  
AMBROSE DENNIS  
JAMES GILFILLLEN  
JOSEPH BENT  
JAMES ALLEN

JAMES KILLEY  
SAMUEL SHELDON POOLE  
BENJAMIN BARNARD  
NATHAN UTLEY  
STEPHEN BLANEY  
NATHANIEL E. WELCH  
JOSHUA TREFRY  
PHILIP GOWDEY  
LEVI HORTON  
WAITSTILL LEWIS  
JAMES GOWDEY  
WILLIAM HASKELL  
THOMAS FLINT  
JOHN CANN  
LEMUEL CROSBY  
JAMES CROSBY  
EBENEZER PORTER  
NEHEMIAH PORTER  
CHRISTOPHER STRICKLAND  
RICHARD WILLIAMS  
SELED LANDERS  
JOSEPH PITMAN  
JOHN WALKER  
SELED LANDERS  
BENJ. BROWN  
BENJAMIN BROWN  
JOHN LANDERS  
NATHAN BROWN  
JOHN SOLLWS  
PERRY HAMBLETON  
SAMUEL HARRIS  
BENJAMIN HARRIS  
WILLIAM HARRIS  
CORNELIUS HARRIS  
JAMES BROWN  
JOHN KILLAM  
EBENEZER CLARK  
JOHN SANDERS  
ELISHAMA ELDRIDGE  
SAML. ELLENWOOD  
AMBROSE DENNIS, Junr.  
THOMAS GILFILLLEN  
HEZEKIAH BUNKER  
RICHARD ROSE.

*Mass. Archives, Vol. 237, p. 232.*

At the time this petition was forwarded to Boston an effort was made by the relatives and friends of our people, residents of Salem, Beverly and Boston, to influence the Legislature in their favor, and for this purpose the following papers were drawn up, signed and included with the above memorial.\*

*To the Honble Senate and House of Representatives in General Court Assembled*

The Petition of Wm. Tuck, Late Commander of the Ship Lyon, and a number of others, Subscribers, Humbly Sheweth that the Ship Lyon lately fell into the hands of the enemy

\*See Felt's "Annals of Salem" Vol II., pp. 283 and 557; also Geo. S. Brown's "Yarmouth," p. 437.



and was carried to Halifax. The Blonde Frigate that captured Her was wrecked upon the Seal Islands† from which sd Tuck & his Company Consisting of about Sixty men in all made their escape to Yarmouth, Cape forsoe, in Novascotia, where the Inhabitants Received, & entertained us Very kindly for four or five days, during which they fitted out three Small Vessels with provisions &c, necessary for the purpose and Brout, sd Tuck & Co. and a number of other Prisoners to the amount of about one hundred in all, safe to this Commonwealth. This friendly act was a Great favor to us, and particularly So when we consider the Extreme Sufferings of a Great number of our Brethren on Board the British Prison Ships

And your petitioners beg leave to declare that the Inhabitants of said Yarmouth, or the Greatest part of them, removed from this Commonwealth a few years ago, and have shewn a friendly disposition towards all American Prisoners, by Supplying them when in Prison and after they Escaped, helping them to Escape; and Conveying them to this State at their own Expence; we beleave that they have conveyed more than one Thousand Prisoners from sd Yarmouth to this Commonwealth, which doubtless is a Public advantage as well as a Benefit to many Individuals. Yarmouth is a new Settled poor defenceless Place, the Inhabitants thereof are Generally poor and unable to Support Prisoners at their own expense; and could not have done it So Long, if they had not had liberty to Carry Bread-corn &c from hence. we are Credibly Informed that the said Inhabitants of the sd Yarmouth have never taken the Oath of allegiance to the King of England or ever taken up arms against us, they have never had their Militia Mustered, from all which your Petitioners humbly Conceive that The Said Inhabitants Cannot be Considered as enemies to the United States.

And whereas the Said Town of Yarmouth have been, and are still liable to be, plundered by American Privateers, and their fishing Boats and Shallops are in the Same predicament, and whereas by the laws of this Commonwealth they are in Common with other British Subjects, forbid to come & Bring their fish to, or carry corn or other fishing stores from this Commonwealth, or even to Go Back with their Boats after having Bro't up Prisoners.—

Your Petitioners most Humbly Pray Your Honors to take their Case into Your wise Consideration and Grant them Such Relief and liberty as you in Your Great wisdom may think fit and proper and as their conduct has merited

And as in duty bound shall ever pray

FRANCIS CABOT, Jr.  
and 120 others

Beverly, May Ye 27, 1782.

Mass. Archives, Vol. 237, pp. 228-30.

To the Honble Senate & } Boston, June 1782. The Petition of the Subscribers In behalf of the  
House of Representatives } Inhabitants of Yarmouth in Nova Scotia, humbly sheweth:—That  
we have Reason to beleive said Inhabitants are in General, as Friendly to this & the United  
States, as the Inhabitants of this Commonwealth, of which they have given the most  
Incontestible Evidence, by their Constant and Unwearied, Care of our Prisoners, who have  
made their Escape from the Enemy, Many hundreds of whom they have Supported, at  
the risk of suffering themselves, & have transported to this Commonwealth, and Indeed  
have Given every testimony their Circumstances would admit, of their firm Attachment to  
the cause of America, Notwithstanding which, so base, Ungrateful, & Wicked have the  
Crews of the Small Privateers, & Armed boats been, who have been Commissioned from this  
Commonwealth, that after being treated in the Kindest Manner, by sd Inhabitants, they  
have plundered their Houses, Robbed them of their property & even added Insult and  
Abuse. We are sensible of the difficulty of discriminating between any Inhabitants who  
live in any part under the jurisdiction of Britain, but if possible & Consistent, with the  
Safety, of this & the United States, we humbly pray Your honors to Adopt some Measures  
for the Relief of these poor, Distress'd people, and as in duty bound shall ever pray.

NATHANIEL CURTIS  
and 86 others.

Mass. Archives, Vol. 237, p. 231.

†Blonde Rock.

We the Subscribers hereby certify that Since the Present War, we had the misfortune to fall into the hands of the Enemy, carried to Nova Scotia, and made our escape to Yarmouth, Cape perseus, and were Received and entertained there in a very friendly manner, and were conveyed from thence to this state by the Inhabitants of said Yarmouth, and further that whenever an American Prisoner in Nova Scotia can get to said Yarmouth he is sure to be entertained well and Sent home, as soon as Possible. this has been the Case ever since the present war with Great Britton.

May ye 27, 1782.

JAMES BUCKMAN  
JAMES RICHARDSON  
JAMES HERRICK  
JOSEPH WILKINSON  
MATTHEW LOMBARD  
SEWALL TUCK  
FRANCIS LAMPSON  
JOHN FRANCIS

SAMUEL STONE  
AMOS LEFAYOUR  
ELKANNAH COBB  
JOHN MERRY  
JOSEPH BARRETT  
WILLIAM BROWN  
JAMES ABBINGTON  
JOSEPH PICKERING  
JONATHAN FELT.

SALEM, May 10th, 1782.

This may Certify that I, Peter Stevens, of Groton, was taken on board the Ship venus from Boston Commanded by Capt [George W.] Babcock. was carried into Halifax put on Board the prison ship, from which I made my Escape; was taken up and put on board the Attalanta sloop of war. I made my escape from her travelling towards Capersue. About six or seven miles from Halifax met a man by the name of Albio who carried me aside, gave me Two Dollars and Directed me on my Rhode. told me that If I got to Capersue to enquire for one Capt. Foot who he knew would assist me. I got safe to Capersue by the help of many friends that I met on the Rhode. I went to Capt. Foots and staid at his house some time with several other prisoners. He came on purpose with his boat to fetch us home and refused pay for it, saying that he never made a practice of takeing anything from prisoners in Distress. this is the usage I met with and have reason to Beleive hundred others have received the same from Capt. Foot.

I can but Gratefully Acknowledge his favours and I sincerely wish that he may meet with Due incouragement and protection from this State.

To All Gentlemen to whom this may come.

Although I have safe returned from the Disagreeable State of a Prison Ship I cannot in Gratitude pass by the favour I have received from the Inhabitants of Nova Scotia who have treated me and my fellow Prisoners with as much kindness as our own friends & Brethren would if they had been in their Circumstances

I was taken on the 14th of April In the Capacity of Chelf Mate of the Ship Lively from this town, Belonging to Thomas Russell, Esqr—by his Brittanick majesty's Frigate the Pandora & carry'd to Hallifax. there with the rest of My Comrades was put on Board the Prison Ship. in this disagreeable place I remained four weeks when an opportunity offerred which we embraced to Confine all on board & gain our Liberty when some who had Experienced the Kindness of these Inhabitants Before, Animating the wrest by saying, If we can only get to the Westward of Liverpool we shall, as it were, be at home,—very true by Experience

On the fifteenth of May I left the Prison Ship with thirty-four of my fellow Sufferers Leaving on Board twenty men which the boat would not Carry, being so crowded that we could row but very slow, but with some Difficulty we reacht shore the where we landed twenty. the remainder of us are here to Acknowledge the favours we one and all have Receiv'd from the Inhabitants who have in Several Places turned their Children out of their beds to Accomodate us with Lodging which they would not have been Necessitated to do if they had not been so Inhumanly Robb'd by our small Privateers. who not being Content with that but have abused them afterward. that these Robbers of the Defenceless may be Detected is my

Earnest Wish

JONATHAN CHAPMAN.

The petition of the inhabitants of Yarmouth and the efforts in their behalf of their Massachusetts friends were not without avail, for on July 5th ensuing the General Court passed the following Resolve:—

**RESOLVE ON THE PETITION FROM A NUMBER OF THE INHABITANTS OF THE TOWNS OF BOSTON AND SALEM, PROHIBITING COMMANDERS OF ARMED VESSELS FROM MOLESTING THE PEOPLE ON SHORE IN THE TOWN OF YARMOUTH, IN THE PROVINCE OF NOVA SCOTIA.**

On the petition from a number of the Inhabitants of the towns of Boston and Salem, setting forth that the inhabitants of the town of Yarmouth, in the province of Nova Scotia, have during the course of this war shewn themselves of a uniform, friendly disposition towards the subjects of the United States of America, notwithstanding which some persons, inhabitants of this Commonwealth, void of the common feelings of humanity, have repeatedly gone on shore and wantonly entered the houses of those peaceable inhabitants and cruelly plundered them of their effects. In order to prevent like instances of inhumanity and barbarity in future,

**RESOLVED**, That from and after the first day of August next, no commander of any armed vessel, or other person belonging to this Commonwealth, be permitted to go on shore, within the limits of the town of Yarmouth, in the province of Nova Scotia, and plunder any of the inhabitants thereof, of any of the articles hereinafter mentioned, viz., wearing apparel—household furniture—farming utensils—provisions—live stock—fish or fishing gear—salt—boats or shallops, with their tackle and appurtenances—and in case any such commander or other person shall notwithstanding this resolve, presume to go on shore within the limits of the said town of Yarmouth, and there take or seize any of the articles hereinbefore enumerated, belonging to any of the inhabitants thereof, such inhabitant or inhabitants, who shall have any of the said articles thus taken, be, and they hereby are admitted, by themselves or their attorney, being a leige subject of this Government, to appear within any Courts of law within this Commonwealth, and there prosecute the same to final judgment and execution, any law to the contrary notwithstanding.

—See Acts & Resolves of Massachusetts for 1782, Chap. cxiiz.

Commonwealth of } To the honorable the Senate, & the honorable the House of Representatives of said Commonwealth, in General Court assembled, at Boston, June, 1782.

THOMAS FLINT, BENJAMIN BROWNE & JAMES KELLEY  
humbly shew

That in the beginning of May last, the British Frigate *Blonde* was shipwrecked on Seal Island\* near the coast of Nova Scotia, at which time said Ship had a large number of American Prisoners on board, who thereby got permission to return home, but destitute of every kind of Support: Your Petitioners, inhabitants of Cape persus in Nova Scotia, being Owners of three small Shallops fitted them out and brought up said Americans to this State to the Number of Sixty-five, & supported them all for 12 days at their own Expense, together with three of their own Men in each Shallop who were necessary to navigate the Vessels: And as your Petitioners have not been able to obtain even a Replacement of their Provision expended in the Service of returning 65 Seamen to this State, they humbly pray this honorable Court to this State, to take the Premises into their wise Consideration & direct that such Allowance be made them as to Right and Justice shall appertain—And that they may have a Safe pass to return

THOMAS FLINT  
BENJ BROWNE  
JAMES KELLEY

Commonwealth of Massachusetts.  
In the House of Representatives June 8, 1782.

On the Petition of THOMAS FLINT & others

Resolved that his Excellency the Governor with advice of Council be requested to give a

\*Blonde Rock—so called from this instance.

Passport to BENJAMIN BROWNE, JAMES KELLEY & THOMAS FLINT—to return to their Habitations in Nova Scotia.

Also Resolved that the Commissary General furnish the said Petitioners Twelve Days Rations for Sixty-five Men.

Also Resolved that the Naval Officer for the Port of Salem Inspect all the Letters & passports they may carry with them

Sent up for Concurrence

NATH. GORHAM, Speaker

In Senate June 10, 1782

Read & Concurred

S. ADAMS, Pres

Approved

JOHN HARTCOCK

Mass. Archives, Vol. 236, p. 474-5.

\* \* \* \* \*

A maneyfest of things Robed from SETH BARNES of Yarmouth, In Nova Scotia by Lieutenant Smothers and Eleven more men belonging to Capt. Silas Smith in a Small Armed Schooner Belonging to Salam oned by William Nothey Docter Arklus Putnam & Williams of the afore Sa Town of Salem. . . . on friday Night y. 26th of Aprel 1782 at about ten of the Klock they beat my hous with armes & Outlasses and began to Ransack the Same with Rage & took the articles as follows from my hous.—

(Here follows an inventory of the articles taken, including schooner and sails, valued at £240; 130 qtls. codfish valued at £234; together with a long list of household supplies and merchandise of unique variety, the whole being valued at £342-10-0,—a tidy sum for those times.)

This manifest was probably drawn up by Capt. Barnes to be used in connection with a petition for redress which he addressed to the General Court of Massachusetts. The petition, unfortunately, is not to be found, but the action of the Court upon it is given below. Mr. Barnes' petition was undoubtedly a prime factor in the legislation in favor of the inhabitants of Yarmouth, as given in our preceding chapter.

Commonwealth of Massachusetts.

In the House of Representatives, June 17, 1782.

Upon the Petition of SETH BARNES of Yarmouth in the Province of Nova Scotia.

Whereas it appears to this Court, that the inhabitants of Yarmouth, in Nova Scotia, have in a variety of instances shown a disposition of the most pacific and friendly tendency to the subjects of the United States, and have not taken any oath of allegiance to the Crown of Great Britain, and ought to be held as in amity with this State:

And whereas certain persons in the private armed schooner Dart, on the night of the 26th of April last, took a schooner loaded with fish, and owned by the petitioner then lying without sails in the harbour of the said Yarmouth, and in a most outrageous manner, broke into the house of the petitioner and took and carried off a variety of provisions, contrary to the true intent and spirit of their commission, and to the dishonour of the government under which they held their commission:

Therefore, Resolved, that the said Seth Barnes, be, and he hereby is authorized and empowered, to appear in any Maritime Court, and Claim any property taken as aforesaid, and institute and pursue to a final judgement and execution, such suits in the Courts of common law, as may enable him to recover and receive all such property; and that in all Courts, whether of a maritime or common law jurisdiction, he be, and hereby is empowered, to exercise all the rights and privileges, as far as shall respect such property, as fully as if he was an inhabitant of this Commonwealth; and the Courts aforesaid are hereby required and authorised, to allow him all the advantages and rights of a party in the said Courts, the

same as if the said SETH BARNES was a liege subject of this Commonwealth, any law or resolve to the contrary notwithstanding.

Sent up for Concurrence

NATH GORHAM, Speaker.

In Senate June 19, 1782

Read & Concurred

S. ADAMS, Pres't

Approv'd

JOHN HANCOCK.

*Mass. Archives, Vol. 237, pp. 17-20; also Acts and Resolves of Massachusetts for 1782 Chap. xlviii.*

Armed with the authority thus provided him Mr. Barnes instituted legal proceedings at Salem for the recovery of his property. But his efforts were without avail. We can easily understand his meagre chances of success when we note that his despoilers were men of prominence and of considerable influence in the community. It apparently was of little importance to the jury that the plaintiff had been unjustly deprived of his property. The defendants were their fellow townsmen, one of whom, George Williams, represented them in the General Court. We can therefore understand the feelings prompting Capt. Barnes to petition the General Court as follows:

Commonwealth } To the honourable the Senate, and the Honourable House of Repre-  
of Massachusetts } sentatives,  
In General Court Assembled at Boston, July, 1782.

SETH BARNES humbly sheweth

That he is an inhabitant of Nova Scotia and having lost a very considerable Property which was taken from his house in Yarmouth, he came into this State, claimed the property so taken, but the same being condemned; he is desirous of returning home to his unfortunate Family with a full Determination of removing them into this State from the predatory Attacks of unfeeling Sailors, who, armed against enemies in Arms, take advantage of their Commissions to carry Devastation to the fire Sides of the defenceless.

He therefore humbly prays this honourable court to grant him permission to return to Yarmouth in a small Vessel and to have a pass to take with him a Barrell of Flour, one of Rum and one of Coffee, which are much needed in that place. And your petitioner shall ever pray

SETH BARNES,

Commonwealth }  
of Massachusetts } In the House of Representatives July 1st, 1782.

On the Petition of SETH BARNES

Resolved that the said Seth have & he hereby has Permission to return to Yarmouth in Nova Scotia in any Vessel to whom a Safe Conduct may be granted, & to take with him one Barrel of Flour, one of Rum & one of Coffee.

Sent up for concurrence

NATH GORHAM, Speaker

In Senate, July 4th 1782.

Read & Concurred

S. ADAMS, Pres'd

Approv'd

JOHN HANCOCK

*Mass. Archives, Vol. 237, p. 210.*

• • • • •

Suffolk.—To his excellency the Governor & the honorable Council of the Commonwealth of Massachusetts.

This may certify your Excellency & Honors that STEPHEN ELDRIDGE and ELISHA ELDRIDGE are brought before me, the Subscriber, one of the Justices of the peace in & for said County by Nathl Barber, Esq.—one of the Committee of Correspondence, Inspection & Safety for the Town of Boston in said County—the said Nathl praying from their going at large in Boston aforesaid, & suggests to me that he hath reason to suspect that they & each of them, are Inhabitants of the Province of Nova Scotia & Subjects of the King of Great Britain & that neither of them have any permission from your Excellency & Honors or any other Legal permission to come within the jurisdiction of this Commonwealth—but have presumed to come in contempt of a resolve of the sd Commonwealth, on the twenty-fourth of Jan'y this Current year, of all which complaint against them, the said Stephen & Elisha, they have been certified by me and required to say whether they are Inhabitants of sd Nova Scotia & Subjects of the sd King of Great Britain, to which they, & each of them reply and severally plead & say that they are Inhabitants of sd Nova Scotia, & Subjects of sd King of Great Britain, & that they have not obtained Legal permission to come within this Commonwealth. Wherefore tis considered by me, the said Justice that they the Said Stephen Eldridge & Elisha Eldridge be sent to your Excellency & Honors for further examination in the premises that y<sup>r</sup> Excellency may take such further order, relative thereto, as to Law & Justice shall appertain, for which purpose I herewith bond the sd Stephen & Elisha by Josiah Simpson—one of the Constables of the Town of Boston aforesaid.

Given under my hand and seal at Boston aforesaid the first day of July Anno Domini seventeen hundred and eighty two

JOSEPH GREENLEAF Justice Peace

Commonwealth of Massachusetts

July 2, 1782.

In Council July 2, 1782

Whereas STEPHEN ELDRIDGE and ELISHA ELDRIDGE, having been adjudged to be Inhabitants of Nova Scotia by Joseph Greenleaf, Esq. of Boston, one of the Justices of the Peace in & for the County of Suffolk and on this day were brought before the Governor and Council for further examination. after hearing the said Stephen & Elisha, it appears that they were captured by Capt. Babcock in a small Vessel & that the said Stephen & Elisha were put on Board the Prize as Prize Masters\*: that their Intentions were to come to Boston for the purpose of conveying Capt Lee, who had been a prisoner in Nova Scotia to Salem, and to pay a ransom for their Vessel. Whereof it is considered that the said Stephen & Elisha Eldridge be discharged and they are hereby directed as soon as they have accomplished their business relating to their payment of the Ransom of their Vessel, to depart this Commonwealth & they have Liberty to carry such Provisions as are sufficient for their voyage to Nova Scotia

Attest

JOHN AVERY, D. Secy.

Mass. Archives, Vol. 178, p. 440-1.

\* \* \* \* \*

NEWBURYPORT 15th August 1782.

May it please your Excellency

I have in the course of my Duty as a Naval Officer of this Commonwealth, Seized a certain small Schooner Commanded by WILLIAM GREENWOOD from Barrington in Nova Scotia with part of a load of Fish on board. I conceive it a part of my Duty also to inform your Excellency of some Circumstances attending this poor man & his inducement for coming here. Six men belonging to this State, came to his house destitute of provisions &

\*It is difficult to understand how the Messrs. Eldridge could act as Prize Masters over their own property. Perhaps some other meaning is intended.

money, said they had been prisoners & Escaped & were then on their way home, which they could not accomplish without his assistance. was much importuned and assured there was no danger, that he might bring up a load of dry fish and carry Necessaries for their families, that he at Last Reluctantly Complied, and that he was freighted by 30 families who were much Distressed. these I believe to be facts. I have proceeded officially, and shall libel her agreeable to Law; unless yr Excellency in Council (under these Circumstances) shall be pleased to Order otherwise.

I am with all Respect yr Excellency's most Humble Servt

M. HODGE.

To His Excellency JOHN HANCOCK, Esq

Aug. 16, 1782.

His Excellency communicated a letter to the Council from Michael Hodge, Naval Officer of the Port of Newbury Port dated the 11th inst., relative to the seizure of a Vessel with part of a load of Fish belonging to Wm Greenwood from Barrington in Nova Scotia.

ADVISED that the Secretary be directed to write the Naval Officer for the Port of Newbury Port to keep possession of the Vessel & Fish but not to proceed any further in the matter till the General Court meets in order that Mr. Greenwood may represent his Case to the General Court their Next Session.

True Extract of the Minutes of the Governor & Council

Attest

JOHN AVERY Secy

Mass. Archives, Vol. 237, p. 301.

To the Honble Senate and Honble House of Representatives of the Commonwealth of Massachusetts in General Court Assembled at Boston September 1782.

The Petition of WILLIAM GREENWOOD of Barrington, in the Province of Nova Scotia,—  
Humbly Sheweth

That on the second day of August last he sailed from said Barrington in a Small Schooner of about Twelve Tons bound for Newburyport with Six American Prisoners All of whom, being destitute of Money and friends he generously furnished them with their Necessary Stores out of his own Private Stock, without receiving any pay for the same, upon their representing to him their distressed situation. He also put on board said Vessel about One hundred Quintals of Fish, the property of Thirty-three different Families there, and arrived at Newbury Port about a month ago, and in a few Days after their Arrival the said Schooner and Fish was Seized by the Naval Officer of said Port on Account of a Resolve of Congress forbidding any Trade to be carried on with the people of Nova Scotia, as your petnr was then inform'd; of which Resolve your petnr was Totally ignorant.

Your petitioner has proved himself a faithful Friend to the Cause of America, and has suffered very much on Account thereof, And he humbly conceives this Honble Court will see it to be reasonable that he should be dealt favourably with.

Your petitioner therefore humbly prays that this Honble Court would be pleased to take his distressed case into their Serious and Compassionate consideration and be pleased to relieve him by ordering the said Schooner and Fish to be restored, or relieve him from his present Troubles in such way and manner as your Honors in your known Wisdom and goodness shall see meet

And as in duty bound shall pray &c.

WILLM GREENWOOD

Boston Sept. 19, 1782.

I, ZEBULON ROWE, of Newburyport, of Lawful Age, depose, that, about the tenth day of May last, I sailed from Newbury Port in the Privateer Schooner Fox, on a Cruise against the Enemies of the United States of America. That on the second day after we sailed from Georges River we were Captured by the British Frigate Ceres & carried into Halifax &

there confined on board the Prison Ship—That about the twentieth day of July made our Escape from the Prison Ship & with much difficulty arrived at Barrington in Nova Scotia, without money or Provisions, where we found one Mr Wm Greenwood, who kindly supplied us with whatever we needed Gratis.—That we & one other Prisoner who had got there also, applied to sd Greenwood to bring us to Newbury Port, but it was with great Difficulty that we prevailed with him to consent to bring us, as he had lately lost his wife & had nobody but a girl to leave a family of small children with & was just engaging in his mowing; however we at last did prevail with him to come & as he was coming, the People, there, tho't it a good Oppy to send up some fish to get a few necessities with, accordingly thirty-three Persons sent up about an hundred Quintals of fish. I further say that the People in general there were very friendly to us & Mr Greenwood never charged us a farthing for his Trouble or for our Provisions, and further I say not

ZEBULON ROW

Essex, S. S. Aug. 27, 1782. Then the aforementioned Zebulon Rowe personally appeared & after being carefully examined and duly cautioned to testify the whole Truth & Nothing but the Truth, made oath to the truth of the aforewritten Deposition by him Subscribed. Taken at the Request of William Greenwood to be used before the Hon. General Court of the State of Massachusetts. The said Deponent being bound to Sea is the Cause of taking this Deposition. Michael Hodge, Naval Officer of the Port of Newbury Port was notified but did not attend.

Taken in due form of Law by me

NATHL PIKE, Just. Pac.

Commonwealth }  
of Massachusetts } In the House of Representatives Sept. 23 1782.

On the Petition of WILLIAM GREENWOOD, of Barrington, in the Province of Nova Scotia Resolved that the Naval Officer of Newburyport be and he hereby is directed to permit the said William Greenwood to depart from the said Port with his Schooner for said Barrington, and also take on board said Schooner the Value of the fish brot in said Schooner in such necessities and articles as the said naval officer may think proper for the Use of the thirty-three poor families to whom it belonged—they being represented as great friends to the United States.

Any Expense the said Naval Officer has been at in the approved discharge of his duty, to be paid by the said Greenwood.

Sent up for concurrence

NATHANIEL GORHAM, Speaker

In Senate Sept. 24, 1782.

Read & Concurred

S. ADAMS, Presid:

Approved

JOHN HANCOCK.



## CHAPTER XXXII.

The enactment of the Resolve of July 5, 1782, by the Great and General Court of Massachusetts, whereby further molestation of our people by American Privateers was prohibited, seems to have had its desired effect, and the Archives of Massachusetts contain no further complaints from our people. The dawn of Peace was already brightening the political horizon, and the passage of the following Act whereby trade relations with the subjects of King George III. were resumed, made legislation and the consequent numerous petitions, depositions, certificates, etc., no longer necessary.

Commonwealth of }  
Massachusetts } The Committee of Both Houses, appointed "to consider and report  
what measures may be proper to be taken respecting any Vessels that have Arrived or may  
Arrive into the harbors of this State from the Dominions of Great Britain," Report the  
following Resolve.

JOHN PRITS, p<sup>r</sup> Order.

Whereas there is a prospect that the Definitive Treaty of Peace between the United States of America and Great Britain may soon arrive, and it appears necessary that until a Treaty of Commerce shall be Settled and Concluded upon, it is Expedient provision should be made for the Entrance & Clearance of Vessels that have Arrived or may Arrive from any part of the Dominions of Great Britain into any of the Ports or Places of this Commonwealth, Therefore

Resolved that permission be granted for the Entry and Clearing out of all Vessels that have arrived or may hereafter arrive within this Commonwealth from any Port or Place under the Dominion of the King of Great Britain. And that all Naval Officers be & they are hereby authorized and empowered to admit such Vessels to be entered and cleared out at their respective offices and to give permission for the landing of the Goods, Wares or Merchandize imported in them, the Masters or Commanders thereof Complying with all the Laws and Regulations of this Commonwealth respecting trade and Navigation. And all Goods, Wares and Merchandize imported in such Vessels may be sold anywhere within this Commonwealth the Duties thereon in common with those of any other Nation being first secured to Government—Any Law or Resolve of the General Court to the contrary notwithstanding.

In Senate June 4th, 1783.

Read & Accepted,

Sent down for Concurrence

SAMUEL ADAMS, Presd

In the House of Representatives June 4, 1783

Read & Concurred

TRISTRAM DALTON, Speaker

Approved

JOHN HANCOCK

\* \* \* \* \*

To the student of history, the documents of which this series is composed present many phases of unique interest. The peculiar conditions under which our people labored during the soul-trying period of the Revolutionary War are food for careful study and serious contemplation, and it is greatly to be desired that their motives should be fully understood before any of their actions are condemned.

History is too often written, as well as read, with prejudiced minds. Many of us have experienced feelings of disappointment upon finding the cherished traditions of our ancestors' "loyalty" rudely dispelled by the documentary evidence to the contrary, over their own signatures, printed in the foregoing chapters of these "Annals." But we should remember the truth of the old axiom that "Self-preservation is the first law of nature." What man is there, who, seeing his loved ones suffering for the bare necessities of life, would stop to consider the political aspects of his conduct in procuring the means to relieve the distress and want of those dependent upon him?

After having been the annalist of our early settlers, it is far from the writer's intention to become their apologist, nor does he feel that any apologies are called for. Their actions speak for themselves. Where in all history can one find the records of a people so filled with magnanimity towards their persecutors? If any one will take the trouble to look up the records of many of the fugitive American prisoners who were fed, lodged, clothed and assisted to their homes by our people, he will find that they previously had been employed in plundering and abusing the very people of whom they now besought aid and comfort.

In formulating a plan for the presentation of these historical documents, the writer felt strongly tempted to use them as the bases of a series of narrative sketches, of the events and conditions which they so picturesquely describe, but with the advice of Mr. William Prescott Greenlaw, the able Assistant-Librarian of the New England Historical & Genealogical Society, he was convinced that the only way for their proper publication was to print them in their entirety—*verbatim et literatim*. Many of the papers, whose contents are herein reproduced, are fast yielding to the corroding hand of time, and in a few years will be wholly illegible. In the multiplicity of copies made possible through the HERALD press, the knowledge of our ancestors' peculiar political environment has been preserved to future generations.

The writer has now reached the end of his task. From the beginning he has felt himself to be incompetent to do justice to the work, but if his efforts have added anything to the store of knowledge concerning those heroic souls, who made possible the comforts and prosperity their descendants now enjoy, he will feel that his labor has not been in vain.

EDMUND DUVAL POOLE,  
242 Massachusetts Avenue,  
Boston, Mass.

THE END.